

**Ratification of Interim Charter Amendment Removing Absentee Voting for  
Caucuses**  
**Charter Amendment adopted by Democratic State Committee**

*Preface: Historically, Maine did not have Presidential primaries. Instead, the preferences declared by voters at the municipal caucuses determined how our Democratic National Convention delegates would be divided among the candidates. Because the declaration of preference functioned as the equivalent of a primary vote, there were serious concerns that the caucus system unfairly excluded Democrats who were unable to physically attend a caucus or did not wish to make the time and travel commitment to attend. Motivated in large part by those concerns, Maine briefly switched to the primary system beginning in 1996. When the Maine Democratic Party restored the caucus system after the 2000 primary, we knew it was essential to keep the nominating process accessible to all enrolled Democrats, so we adopted a first-in-the-nation absentee caucus process. Then Maine's nominating system changed in 2019, when the Legislature finalized legislation establishing Presidential primaries in all contested races. Because voting for Presidential nominees is now conducted at the primary, the declarations of preference at the caucuses no longer have any effect on how Maine votes at the Democratic National Convention, and the State Committee repealed the absentee registration process. However, caucus preferences are still used to allocate State Convention delegates, and a petition has been submitted to reject the amendment and restore the absentee declaration system. Therefore, this amendment is listed on the ballot separately from the other interim amendments. A YES vote is a vote to RATIFY this amendment and keep the existing Charter language, without absentee declaration of Presidential preference. A NO vote is a vote to REJECT this amendment and restore the process for absentee declaration of Presidential preference by going back to the relevant Charter language as it stood at the close of the 2018 State Convention.*

220. Notice

*3. Contents of Notice. The notice shall state the name of the Party, the time and place of the caucus, the name of the person calling it, and the availability and location of voter registration on the caucus day. ~~In presidential election years the notice shall also state the time balloting for presidential preferences will begin and the availability of caucus registration and presidential preference declaration by mail.~~ If the caucus is to divide by precincts, wards, or districts, the notice shall say so and shall include the location of each local caucus if they are not held at the same address. The notice may include a procedure for notification and rescheduling if the caucus must be postponed. If a caucus is postponed and the alternative date was not included in the original notice, a new notice must be published in accordance with this Section.*

230. Caucus Procedures

*1. Membership. Any enrolled Democrat within a municipality who attends the municipal caucus, ~~or registers for the caucus by mail in accordance with Section~~*

~~250 of this Charter, shall be a member of that caucus, unless barred by the Maine Election Code due to enrollment in another political party after the statutory deadline for changing parties. Opportunity shall be provided for new voters and unenrolled voters to enroll as Democrats at the time of the caucus.~~

~~8. Presidential Balloting. In a presidential election year, any person not duly registered by mail or personally present at the time balloting for State Convention delegates and alternates begins shall be prohibited from voting. Presidential balloting may not begin until the announced time, and may not be delayed unreasonably beyond the announced time.~~

#### ~~250. Caucus Registration by Mail~~

~~1. In Presidential election years, any enrolled Democrat who expects to be eligible to participate in a municipal caucus, but does not expect to be able to attend, may apply to State Party Headquarters to register for the caucus and declare a presidential preference by mail.~~

~~2. Applications may be sent on or after January 1. The application must be made by the individual requesting to register by mail or by a member of the same household. Applications submitted in bulk or by organizations shall not be accepted. A voter may apply by completing a paper form provided by the State Party and delivering it by mail, in hand, or by fax, or by sending an e mail or making a telephone call providing the applicant's name as it appears on the voter roll, the address at which the applicant is registered to vote, and the mailing address to which the registration form will be sent. Applicants shall be requested to provide a telephone number and e-mail address but shall be advised that this information is optional. The State Party shall maintain a record of all requests received. If an application is submitted in a municipality for which no caucus has been convened, the State Party shall promptly notify the County Committee and direct it to call a caucus.~~

~~3. The State Party shall prepare a uniform registration by mail form, which shall incorporate the contents of the~~

~~registration form used for in-person registrants, together with the following additional material:~~

~~A. Clear instructions on how to complete and submit the form, including the deadline by which the form must be received at State Party Headquarters;~~

~~B. In a prominent place on the form, a line to write the name of the Presidential candidate the voter prefers, or the word "Uncommitted."~~

~~C. A question asking whether the voter wishes to run for State Convention delegate. D. A reminder that any voter who does not attend the caucus in person will be unable to participate in the business of the caucus, including the opportunity to change presidential preferences and the opportunity to vote for delegates, alternates, and party officers.~~

~~E. An oath, to be signed by the voter, in the following form: "I, [name], swear that I am a registered and enrolled voter in this voting district, that I am a member of~~

~~the party holding this caucus, and that I have not been enrolled in any other party in this municipality within the last 15 days. I understand that falsely swearing this oath of eligibility is a criminal act under the Maine Election Code, 21-A M.R.S.A. § 314(3)."~~

~~4. In order to be valid, the signed registration form must be returned to State Party Headquarters no later than 5:00 p.m. on the Wednesday immediately preceding the Uniform Caucus Date, and the voter must be on record as having made a request to register by mail.~~

~~5. The State Party shall transmit all mail registration forms which are not obviously void to the respective Caucus Conveners in a manner that ensures that they will be available for the caucuses.~~

~~6. Any Democrat who is eligible to participate in a municipal caucus and who has submitted a registration form to State Party Headquarters in compliance with this Section shall be deemed a member of that caucus, whether or not physically in attendance, and shall have the right to be counted in the allocation of delegates among presidential preference groups and all other rights that do not depend on personal presence at the time a particular action is taken by the caucus.~~

#### 260250. Municipal Committees

#### 310. Delegate Selection in Presidential Election Years

~~3. Allocation Between Preference Groups. The number of State Convention delegate positions that each presidential preference shall receive shall be determined by the percentage of caucus participants favoring that preference, without requiring any predetermined threshold percentage. The procedure for allocating delegates and alternates shall be as follows. The Chair of the Caucus shall:~~

~~A. announce the number of eligible Democrats present at the caucus ~~or duly registered by mail~~ and the number of Delegates to be elected;~~

~~B. count and physically divide those in attendance, ~~and the registration forms of those who are absent~~, according to presidential preference, including the category "uncommitted." ~~If the intended presidential preference of a participant who has registered by mail cannot reasonably be ascertained, that participant shall be counted as uncommitted;~~~~

**The Rules Committee recommends voting YES. The Rules Committee unanimously recommends a YES vote. Only the government has the resources to conduct a secure absentee voting system. We tried, but we were overwhelmed. The system could only function effectively if absentee participation were the rare exception. This is why even strong advocates of the caucus system reluctantly concluded that in the 21st Century, we need a primary. Allocation of State Convention delegates no longer affects our votes at the National Convention, and it is unclear how much demand there is for an absentee voice in that process. If Democrats do want that opportunity, it would be far simpler and fairer simply to use their primary votes for that purpose.**

## Statement by petition sponsor Jonathan Brown from Harpswell

The Democratic Party has proposed to remove caucus registration by mail. I disagree with their proposal on this measure, and hundreds of Maine Delegates have signed a petition that motioned to protect Caucus Registration by Mail. There are other amendments in that petition that can be voted on separately.

By making sure the primary caucus is nearly as accessible as the Primary election. Protecting Caucus Registration By Mail will promote higher levels of democratic participation in the Presidential Caucus, and provide needed accessibility to voters who are unable to attend a caucus in person. Voting to protect this language will make sure all towns have better representation at the State Convention.

Voting **NO** - Does\* protect remote Caucus participation and fair representation at the State Convention.

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## Caucus Data

### Charter Amendment proposed by Seth Berner from Portland

1. i. *It is proposed that Section 240(4), Municipal Committees and Caucuses: Caucus Reports: Access to Caucus Data, be amended as follows:*

4. *Access to Caucus Data. The DSC shall ensure that the information collected through caucus reports is promptly made available to municipal and county committees in a usable electronic format, and shall provide a hard copy or electronic copy of the caucus report at the request of the municipal or county chair. Upon a request made within seven (7) days after a caucus by a person who participated in that caucus, the Caucus Chair, or the person who submitted the report on the Chair's behalf, shall ensure that the minutes of the caucus and the caucus report, except for personal contact information, are promptly made available to the person who made the request.*

ii. *And that Section 240(5), Municipal Committees and Caucuses: Caucus Reports: Time for Challenges, be repealed and replaced as follows:*

5. *Time for Challenges. Unless the completed municipal caucus report is challenged within fourteen (14) days following receipt of the report by the DSC office, it shall become the official record of the caucus, except that the deadline for a challenge by a caucus participant who has requested access to a caucus report under subsection 4 shall be extended, if necessary, until seven (7) days after the requested information has been received.*

*Comment: I presented this in 2018 and withdrew it when the Rules Committee said that it would address this on a priority basis. I don't believe it has been addressed, due to everyone forgetting, but the problem continues. Accidental mistakes in recording information – such as writing 24 as 42 - can not be allowed to permanently impact results. The DSC will not know if the caucus report contains an error in recording, but someone who was there will. The current rule sets the*

deadline for challenging a result upon receipt of the caucus report by the DSC office. A change is needed to permit a caucus participant to get the report, and to ensure that tardiness by a municipal committee in responding to an individual does not make a mistake permanent.

**The Rules Committee recommends voting YES. The Rules Committee unanimously recommends a YES vote. This proposal allows caucus participants to have the most accurate information available when deciding whether to file a challenge. We had some concerns with the original language submitted, but the sponsor has agreed to revisions that address those concerns.**

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## **Chapter 1**

### **Charter Amendment proposed by Jonathan Brown from Harpswell**

#### *Chapter 1*

#### *Section 130. Limitations on Endorsements*

3. Primary Town Hall Debate. The Maine Democratic Party, and all state, county and municipal committee leaders will be required to hold town hall style debates for all Democratic Primary Elections.

Town Hall Style Debate Definition: Town halls will provide an opportunity for constituents to voice their opinions and question qualifying primary candidates running for elected office. The debate must provide at least 1 hour of time for questions to the candidates. Each candidate will receive equal time to answer questions. The town halls will be facilitated by the Town Hall Debate Committee. Each candidate will be provided 5 minutes for an opening statement.

A. Facilitation. The facilitation and organizing of the contested primary town hall debates will be the responsibility of the State Committee for statewide races, the Congressional District Committee for Congressional races, the county committee (or county committees meeting jointly) for countywide or multicounty races, and the municipal committee (or all involved municipal committees meeting jointly) for all other local races. Members of the Democratic Party have a right to access the town hall facilitation meetings via member outreach from the Maine State Democratic Party/Local Party Committees. The impartial and unbiased facilitation of the debate will be coordinated by this Town Hall Debate Committee.

B. Time and Location. The committee will be in charge of locating a venue and facilitating the Town Hall Style Debate. The time of the debate must be scheduled at least 7 days before, and no later than 45 days before the election.

C. Attendance. The Debate must be open to public attendance regardless of party affiliation. This is for the purpose of promoting transparency and to allow some opportunity for prospective Democratic party members/voters to ask candidates questions. All qualified candidates must be invited to their respective town hall debate by the Town Hall Debate Committee.

D. Equity in Questions. It is imperative the town hall provides equitable opportunities for the audience to ask questions to the candidates in respect to their diversities of age, culture, class, ethnicity, gender, gender identity, geography, occupation/industry, race, religion, sex, and sexual orientation.

E. Recording. All debates should be recorded and archived on the Maine Democratic Party website. The debate videos are to be posted on the Democratic Party website no later than 7 days before the election is held.

Notes:

*In the 2020 Democratic Party, we have a duty to develop avenues to strengthen our valued democracy. Standardizing, promoting, and dignifying access to regular debates for Democratic Primary candidates will contribute towards a stronger interview process for those seeking positions of power in elected offices.*

*Town Hall Style Debates will ensure access to political candidates for constituents of all backgrounds. This will help restore debates to be more reputable, equitable, and informative for the voters and public at-large. Normalizing town hall debates can encourage more people to engage in local politics, and they will help enrich the focus on the substance of the primary candidates policy positions.*

**The Rules Committee recommends voting NO. The Rules Committee unanimously recommends a NO vote. Debates are an important way to enable voters to make informed decisions, and the role of Party committees in facilitating debates needs to be explored before the 2022 primary season. However, the current proposal is too prescriptive, too complex, and acts as an unfunded mandate on state and local committees.**

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## **Chapter 2**

### **Charter Amendment proposed by Jonathan Brown from Harpswell**

*Add Section 210, Subsection 1, Paragraph E, as follows:*

#### 1. Responsibilities of the DSC:

E. Provide option to cast caucus votes via absentee ballot.

*Add Section 210, Subsection 3, Paragraph B, subparagraph (4), as follows, and renumber existing subparagraphs (4) & (5) as (5) & (6):*

#### B. The Convener's duties shall include:

(4) Ensuring that absentee ballots and/or caucus registration forms can be submitted until the last caucus vote has been counted at the caucus location, or until the end of the scheduled caucus time, whichever is last.

*Add Section 230, Subsection 8, as follows:*

8. All or Nothing Local Campaigning. If the caucus allows a primary candidate to electioneer/campaign at the caucus, then equal time must be allocated to each

opposing candidate or surrogate to speak before the voters. All electioneering must be conducted after final caucus votes have been cast.

**The Rules Committee recommends voting NO. The Rules Committee unanimously recommends a NO vote. This is unworkable. This is different from the sponsor's other proposal to reinstate absentee declaration of presidential preference, because it would also allow the actual voting for specific offices such as State Convention delegates and County Committee representatives to be conducted absentee. Absentee voting only works for elections by pre-printed written ballot, not elections conducted from the floor at meetings. Changing the caucus to a pre-printed ballot system would impede participation, not enhance it. Furthermore, the additional proposal to prohibit electioneering until after the final caucus votes have been cast is too inflexible. We do strongly agree that it is improper to make campaign opportunities available to one candidate in a contested race but not to the candidate's opponents. We believe this is already prohibited by Section 130, but if there is any doubt on that interpretation, we will work promptly to propose a clarifying amendment.**

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### **Chapter 3**

#### **Charter Amendment proposed by Jonathan Brown from Harpswell**

*Amend Section 310, Subsection 3, as follows:*

*3. Allocation Between Preference Groups. The number of State Convention delegate positions that each presidential preference shall receive shall be determined ~~by the percentage of caucus participants favoring that preference, without requiring any predetermined threshold percentage on the proportionate basis of the presidential primary vote in each municipality, ward, or precinct, in the manner specified in the Delegate Selection Plan. The DSC shall inform each caucus convener, in advance of the caucus, of the number of delegate positions each preference group is entitled to fill. If a municipality fails to caucus, those vacancies shall be filled in accordance with Section 320. The procedure for ~~allocating~~ electing delegates and alternates shall be as follows. The Chair of the Caucus shall:~~*

*C. announce the count, and the number of delegates to which each preference ~~would be~~ is entitled ~~to if there are no changes in preference, and then allow a brief caucus period for movement among the preferences, ~~advising.~~~~ The brief caucus must provide opportunity for caucus participants to speak before all caucus participants in favor of their preferred candidate. The caucus chair shall remind voters they can switch their preferred candidate, and also provide a time and space for uncommitted caucus participants to ask questions to the party preference groups before the movement among the preferences, and shall advise caucus participants that if they are elected as Delegates representing a presidential candidate, they will be obligated to act in good faith as representatives of the groups that elected them;*

*~~D. determine the number of delegates assigned to each preference by multiplying the percentage supporting that preference by the total number of~~*

~~delegates to be elected from the municipality, ward, or precinct then voting; assigning delegates according to the whole number then earned, and then assigning delegates in order to those preferences with the largest remaining fractions until the total number of delegates apportioned to a municipality, ward, or precinct has been assigned. Any ties will be decided by a public coin toss;~~

~~E.-D. send each preference group to caucus separately and to return with its choice of Delegate(s) and Alternate(s).~~

**The Rules Committee recommends voting NO. The Rules Committee unanimously recommends a NO vote. While there was significant support on the Committee for the concept of using the primary vote to allocate State Convention delegates, we felt it would be premature to finalize a procedure for 2024 at this time. The switch has both pros and cons, and raises a variety of technical challenges. There could also be material changes in state election laws or DNC rules before the next Presidential election, so we believe this is one issue among many to be considered in a comprehensive review of the process at a later date. In addition, the proposal also includes an unrelated provision allowing all participants to speak on behalf of their preferred Presidential candidates. This is better suited to a “best practices” guide than to the Charter, and might not be feasible in a large caucus.**

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### **Limiting Unilateral Action**

#### **Charter Amendment proposed by Seth Berner from Portland**

2. It is proposed that Section 850, Elected Officers be amended by adding:

(5) Except as provided in the Charter no officer may act unilaterally for the Maine Democratic Party, and no officer may permit any employee or agent of the MDP to do so. If it is possible for an officer considering action to get the approval of the DSC before acting they must do so. If it is not possible for the officer to get prior approval of the DSC but it is possible to get the prior approval of the Executive Committee the officer must do so. If action by the officer was required under circumstances that prevented prior approval of either the DSC or the Executive Committee then the officer must report to the DSC at the earliest opportunity, and the DSC may on majority vote countermand the officer's action.

*Comment: In 2018 the MDP Chair acting on his own put pressure on a Democratic candidate for office to withdraw from the race. In 2020 the MDP Chair acting on her own declared that the MDP opposed to ballot measure to amend the vaccine legislation. In 2020 the MDP agent running poll-watching training sessions declared that the MDP opposed efforts to amend legislation pertaining to ranked choice voting so that it would not apply to presidential elections. In all cases the Democratic State Committee (DSC) likely would have approved those decisions had it been asked but it was not asked. This is a fundamental issue of decision making within and for the Maine Democratic Party.*



*How the Party operates is controlled by the Charter. The Charter says in Sections 800(3) and (4) that “The DSC is the supreme governing body of the Maine Democratic Party when the State Convention is not in session.” and “The Executive Committee shall have general supervision of the affairs of the DSC between meetings of the DSC.” In my opinion having decisions made by elected bodies rather than individuals is more democratic, but even if you prefer a stronger Chair unless and until the cited provisions of the Charter are amended no individual has authority to act on behalf of the MDP except in an emergency or as expressly authorized.. This amendment makes that clear.*

**The Rules Committee recommends voting NO. By a 9–3 vote, the Rules Committee recommends a NO vote. (Carl Pease is submitting a comment on behalf of the minority.) The Chair's job requires many unilateral actions, such as interviews, press releases, newsletters, and fundraising calls. The Executive Committee and State Committee would be overwhelmed if they needed to participate in all of these actions, apparently including even informal requests made on the officer's own behalf. This proposal would tie the officers' hands by requiring consultation whenever possible, and otherwise requiring ratification, before every single action. For example, the answer to every media question would have to be “I am not allowed to comment until the Executive Committee has reviewed my answers.” This could not be fixed by a blanket delegation of power in advance, because one recurring concern cited by the petition sponsor was that press questions have sometimes been answered inaccurately. That is not currently authorized by the Charter. Officers are human, humans sometimes make mistakes, and revising the Charter cannot prevent this.**

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### **Require Elections**

#### **Charter Amendment proposed by Seth Berner from Portland**

*1. It is proposed that Section 110, Participation, be amended by adding:*

*10. Elections shall be held whenever contemplated by the Maine Democratic Party Charter or the Bylaws of the Maine Democratic State Committee. Upon proper motion, an election may be by acclamation , otherwise an election may not be dispensed with, even when it appears to be uncontested.*

*Comment: In 2020 each County conducted a meeting at which open slots for delegates from a county to the Democratic State Committee could be filled. Persons who were already delegates from that county could vote on the persons trying to become new delegates. In several counties there were fewer candidates than there were openings. For those counties the Credentials Committee accepted all candidates and canceled the election. A complaint by a County over the cancellation of the election was dismissed by the Grievance Committee on the ground that the Maine Democratic Party Charter does not require that elections be held.*

*This proposed amendment is intended to correct that problem. Elections are not a formality. Even when it appears that there is no contest an election is a cornerstone of democracy. Eligible voters should always have the opportunity to vote “no” on all*

or part; eligible voters should always have an opportunity to make a show of not participating at all. Most importantly, eligible voters should always be given the opportunity to participate in the decision making of the organization whenever provided by the Charter and Bylaws, an opportunity that should not be subject to removal without their consent or knowledge.

**By a 10-1 vote, the Rules Committee makes NO RECOMMENDATION for or against this proposal. We agree that elections should be held whenever required, but it is unclear whether this proposal is necessary to accomplish this purpose. The only instance we can recall where elections were not held as contemplated was this year, when the pandemic emergency made it impossible to hold the elections that the Charter contemplated, and a substitute had to be improvised on short notice.**

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### **Rev Decision Affecting Candidate**

#### **Charter Amendment proposed by Seth Berner from Portland**

3. i. *It is proposed that Section 110: Declaration and Participation: Participation be amended by adding:*

8. No Democratic Candidate who has qualified for the ballot shall be excluded from a service or opportunity offered by the Maine Democratic Party intended to be available to Democratic candidates, for an inability to pay a fee in whole or in part. The Party may, however, charge reasonable fees to finance its functions.

ii. *and it is proposed that existing Section 110(8) be renumbered as 110(9) and that existing Section 110(9) be renumbered as 110(10).*

iii. *and it is proposed that Section 1320: Grievance Committee: Jurisdiction and Filing Procedure be amended as follows:*

1. *Except as otherwise expressly provided by law, by this Charter, or by national Democratic Party rules, the Grievance Committee shall have jurisdiction over all matters and disputes arising from any action taken by a Municipal or County Committee, over all personnel grievances by Maine Democratic Party employees, and over all other matters and disputes arising within the Maine Democratic Party referred to the Grievance Committee by the DSC Chair, or by petition of any five (5) members of the DSC, or by a candidate aggrieved by a decision in violation of Charter Section 110(8).*

2. *All grievances shall be filed in writing at State Party Headquarters by the aggrieved Democrat. The grievance shall include either a description of the Municipal or County Committee action and the date upon which it was taken, a description of the decision affecting the candidate and the date upon which it was taken, or a referral signed and dated by the DSC Chair or by five (5) members of the DSC. The person(s) filing the grievance shall be referred to as the Petitioner(s). The person(s) against whom the grievance is filed shall be referred to as the Respondent(s). The grievance shall be filed within 30 days after the action complained of, or within 30 days after efforts to adjudicate or resolve the dispute by*

*some other means have resulted in a decision adverse to the Petitioner or have failed to reach an agreed resolution.*

*Comment: In 2018 Democratic Candidate for US Senate Zak Ringlestein was charged an amount to be a part of the Maine Democratic Coordinated Campaign (MDCC). This was not financially possible for the candidate, and resulted in the candidate being excluded from the MDCC . On information, the MDP told Democratic candidates for US Senate that it would cost a certain amount to have a banner on the stage at the State Convention. This could have the effect of permitting some Democratic candidates to gain exposure and prevent others from equal enjoyment of an opportunity. To this date these kinds of financial decisions have been final. Providing an opportunity for review of financial costs for Democratic candidates will further enforce the intent of Charter Section 130 that the MDP not disadvantage any Democratic candidate in Maine.*

**The Rules Committee recommends voting NO. By an 11-1 vote, the Rules Committee recommends a NO vote. The proposal recognizes that it can be appropriate for the Party to charge “reasonable fees” for services provided to campaigns, but creates an exception for campaigns that cannot afford those fees. There is no standard for proving that hardship in disputed cases, but the sponsor has suggested that a committee could be established to carry out a rigorous vetting process. While supporting underdog campaigns is an essential Party function, campaign resources are always limited, so this needs to be a discretionary activity, not a right guaranteed to all by the Charter. In addition, although the proposal itself is unclear on this point, the sponsor's explanation says it is intended to apply to the costs of participating in the Coordinated Campaign. This would change the nature of the Coordinated from a mechanism for individual campaigns to pool resources to a mechanism by which well-funded campaigns are required to subsidize poorly funded campaigns.**

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