

MAINE STATE LEGISLATURE

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February 6, 1922

To Hon. Percival P. Baxter, Governor of Maine
Re: Primary Election Law

Replying to your question about the practical application of the primary voting law, I wish to say that several questions have been propounded but I think that most of them grow out of an application of Section 13, Chapter 6, and I think the following statement will cover all the questions.

1. No voter has a right to vote in a primary election for candidates for office, excepting the candidates of his own party, for the reason that by the provisions of Section 27, although the primary election for all parties is held on one day, the election is, to all intents and purposes, an election for each party.
2. No one can vote in a primary election unless he is a qualified voter in a voting district, and has been enrolled in one of the political parties.
3. A person may change his enrollment at any time according to Section 38, but shall not vote if the enrollment has been changed within six months prior to the election.
4. The exception is made in the law to cover the case of persons who have not been enrolled in any party prior to the elections and such voters may enroll on the day of election by signing a paper furnished by the clerk, and may vote for the party of his choice that day, but he must subscribe to an oath provided by law.
5. Any person taking a false oath or in any way violating the law relating to enrollment is subject to a heavy penalty, if convicted.
6. The enrollment slips on file in the clerk's office cannot be dated back so as to take the voter's case out of the six months' prohibition limit, and any person doing so, or any official doing so, contrary to the law, is subject to heavy penalty, if convicted.
7. The other question, "Under what circumstances can a Democrat change his party enrollment so as to vote a Republican ticket at the primary election February 13th?" I answer as follows:

That no Democratic voter can legally take part in a Republican caucus. If, however, a Democrat, six months prior to the election, has changed his enrollment from the Democratic party to the Republican party, he may vote in the Republican primary, but he is a Republican and not a Democrat when he so votes, within the meaning of the law.
8. A Democratic voter who has not been enrolled in any party may make a new enrollment on election day and declare himself to be a Republican and vote in the primary for Republican candidates, and when he does so, he votes as a Republican.

9. Any person violating any of the provisions of the primary law, as set forth in Chapters 5, 6 and 7 of the Revised Statutes, is subject to heavy penalties, if convicted.

These provisions apply only to towns with over 2,000 inhabitants and to cities with less than 35,000. . .

Ransford W. Shaw
Attorney General