

MAINE STATE LEGISLATURE

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STATE OF MAINE DEPARTMENT OF THE ATTORNEY GENERAL Augusta

Bangor, Maine, May 21, 1926.

John Wilson, Esq.,
Chairman Republican Committee,
Bangor, Me.

Dear Mr. Wilson:

Answering your inquiry as to the meaning and application of Chapter 62 of the Public Laws of 1925 relating to Primary elections and especially referring to the manner and time of making enrollment, and the duties of boards of registration concerning the same, I wish to state that this department has had many inquiries, and the department has filed with the Secretary of State, since the passage of this law, several opinions stating our understanding of the enrollment requirements. I believe that a statement to you of the substance of these opinions will meet your purposes.

Sections eleven, twelve, thirteen and thirty-eight of Chapter 6 of the Revised Statutes are amended by Chapter 62 of the Public Laws of 1925. The only radical or material changes made by the new law are:

1. Providing for uniform enrollment in all cities, towns and plantations, thereby making it necessary for the legally qualified voters to be enrolled before voting at a primary election.
2. Requiring such enrollment to be with a board of registration instead of with city or town clerks. (In towns and plantations the municipal officers act as such registration boards.)
3. Making the provisions of said Section 38 applicable to primary elections as well as to political caucuses. Said Section 38, as amended, provides that "any person who is a legal voter may enroll himself as a member of any political party by filing with the board of registration of voters of the city, town or plantation of which he is a legal voter, a declaration in writing, signed by him, substantially as follows:

"I....., being a legal voter of....., hereby elect to be enrolled as a member of the.....party. The following statement of name, residence, place of last enrollment, if any, and party of last enrollment, if any, is true."

The law does not specify in what manner the voter shall file his declaration, it says in effect that he may enroll himself by filing with the board of registration a declaration in writing signed by him.

It does not appear to be necessary for the voter to appear before the board of registration in order to file his enrollment; he may cause his declaration to be delivered to the board by mail or otherwise, and when the same is received, it becomes the duty of the board to enter his name on the enrollment list, according to his party designation.

The foregoing applies not only to voters who are enrolling for the first time in the precinct or municipality but also to the voter already enrolled who desires to make a new enrollment.

If entitled to enrollment, but marked on the voting list as without preference and never having been enrolled, a legal voter may be enrolled by party designation before the primaries under Section 38; or on the day of the primary by taking the oath required by Sections 13 and 39.

In case of the voter changing his previous enrollment, by making a new one, he will not be allowed to vote at any primary election within the next six months following said enrollment.

From the foregoing it is evident that a person who is a legal voter may enroll himself as a member of any political party by filing with the board of registration, at any time before the day of a primary election, the aforesaid declaration; voters entitled to enrollment, may also be enrolled during the primary election after subscribing and making oath before a registration board to the statement as required by Section 39 of Chapter 6 of the Revised Statutes. A suitable number of such statements shall be furnished at each voting place by the city, town or plantation.

It will be necessary for the various registration boards to be in session on election day during the same time the polls are open, but in order to avoid possible confusion and delay at the polls, it is advisable for those voters who can conveniently do so, to make their enrollment prior to election day.

Very truly yours,

(Signed) RAYMOND FELLOWS.

RF/P