

# MAINE STATE LEGISLATURE

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*yes* *JMB*  
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of State  
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**SYLLABUS:**

There is no requirement in the elections law that a candidate for nomination by primary election must be qualified to vote in the party primary for which he has filed a petition.

**FACTS:**

On January 2, 1974, a registered and enrolled voter in a municipality filed with the registrar a change of enrollment to another party.

**QUESTION:**

May a registered voter who files an application for change of enrollment with a registrar in the municipality of registration less than 3 months prior to April 1, be a candidate in the primary for the party to which he has changed?

**ANSWER:**

Yes.

**REASON:**

The election laws in Title 21 have two sections dealing with enrollment. Section 134 deals with a change of enrollment. We interpret this section as applying only to the question of whether or not a person who changes his enrollment may vote at a caucus or primary election. In other words, section 134 only relates to the matter of voting.

Section 444 provides that a candidate for nomination by primary election becomes qualified by filing a primary petition as required under the statutes. Such a person "must be enrolled, on or before April 1, in the party named in the petition." The word "enrolled"

is defined in section 1, subsection 13, as "to enlist as a member of a political party." We interpret section 444 in conjunction with section 1, subsection 13, to mean that for the purposes of being a candidate a person is "enrolled" upon the filing of an application with the registrar. In other words, by filing the application he enlists as a member of a political party.

It is our conclusion that the statutes do not require that a candidate for nomination by primary election be qualified to vote in the party primary for which he has filed a petition. We believe the proper interpretation of the statutes requires the result that there is a difference between enrolling for the purpose of voting, and enrolling for the purpose of becoming a candidate for office. A candidate is not necessarily required to be able to vote for himself.

Jon A. Lund  
Attorney General

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