

MAINE STATE LEGISLATURE

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May 9, 1974

Joseph T. Edgar, Secretary of State

State

Harrison B. Wetherill, Jr., Asst.

Attorney General

SYLLABUS:

A voter who cancels his enrollment in a political party and who, thereafter, without changing his voting residence from one municipality to another, enrolls in a different political party, may not vote at a caucus or primary election within three months from the date of his cancellation. Such a voter is, during the three months period following his cancellation, bound by the same restrictions which apply to changes of enrollment.

FACTS:

Your office has received indications that situations have arisen in various communities with respect to voters cancelling their enrollment in a political party and then, at a later time, but within three months of their cancellation, attempting to enroll in a different political party from the one in which they were previously enrolled. Such action, if permitted, would enable a voter to accomplish, by cancellation and later reenrollment, that which he is specifically prohibited from doing by means of a formal change of enrollment.

QUESTIONS & ANSWERS:

1. If an individual withdraws his current enrollment and does not apply at the same time to enroll in another party, may that person subsequently, but in less than three months, apply for enrollment in a party other than that in which he was previously enrolled, and be legally permitted to vote? No, unless he has changed his voting residence from one municipality to another.

2. If an individual cancels his registration as a voter, thereby cancelling his enrollment as well, may that person subsequently, at such time as he reregisters, apply for enrollment in a party other than that in which he was previously enrolled and be legally permitted to vote without waiting for a period of three months to have elapsed? No, unless he has changed his voting residence from one municipality to another.

Joseph T. Edgar

May 9, 1974

REASONS:

21 M.R.S.A. § 134 provides for a change in enrollment as follows:

***§ 134. Change of enrollment**

"A voter may change his enrollment by filing an application with the registrar personally, by mail or otherwise.

"1. Content of application. The application must be dated and signed by the applicant. It must contain the following information: Name of applicant, street address, voting district, name of party in which enrolled, and name of party in which enrollment is requested.

"2. Party designation removed from voting list. On receipt of the application, the registrar shall remove the party designation beside the name of the applicant on the voting list and shall make a notation on the voting list that the applicant is ineligible to vote at a caucus or primary election for a period of 3 months. At the expiration of 3 months from the date of receipt of the application by the registrar, the registrar shall enroll the applicant in the party requested.

"3. Restrictions during change of enrollment. A voter may not vote at a caucus or primary election within 3 months after filing an application to change his enrollment, except as provided in subsection 4.

"4. Change of residence. When a voter changes his residence from one municipality to another and establishes a new voting residence there, he may enroll in any party and vote at a caucus, convention or primary election, regardless of his previous enrollment."

Joseph T. Edgar

May 9, 1974

A voter, who chooses to do so, may cancel his enrollment by either of two methods. One method is to cancel his registration, in which case his enrollment will be cancelled automatically. A second method is to withdraw his enrollment under 21 M.R.S.A. § 135, leaving his registration intact;

"§135. Withdrawal of Enrollment

"A voter may withdraw his enrollment by filing a written request with the registrar.

"1. Limitation. A voter may not file a request to withdraw his enrollment for 3 months after the date of which he enrolled."

21 M.R.S.A. § 134 sets out a definite procedure that a voter must follow in changing his enrollment from one political party to another and restricts a voter from voting at a caucus or primary election within three months after initiating the procedure to change his enrollment.

If a voter could avoid the restriction imposed by § 134 merely by cancelling his enrollment and, later, reenrolling in a different party, then the restriction of § 134 would, contrary to the legislative intent, be of no practical effect and a nullity.

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