

MAINE STATE LEGISLATURE

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10/13/78
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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04401
October 13, 1978

To: Andrew Brown, Executive Department
From: Donald G. Alexander, Deputy Attorney General
Subject: Withdrawal of Enrollment


This responds to your memorandum of October 12, 1978, by which you ask certain questions regarding interpretation of 21 M.R.S.A. § 135, the Maine law relating to party enrollment. Specifically, you ask whether, pursuant to the provisions of 21 M.R.S.A. § 135, a voters request to withdraw enrollment is effective upon presentation to terminate the voter's enrollment, or whether such withdrawal is only effective when approved by the local registrars office and paper work of such office is completed.

It is our view that a request to withdraw enrollment is effective to terminate party enrollment upon proper presentation to the appropriate local election official.

The enrollment statute basically focuses on the procedures to enroll voters and to change enrollment from one party to another. In this context, the statute does provide that enrollment in a new party is not effective until appropriately acted on by the voter registrars. Further, any new enrollment in a party may be effectively suspended for up to three months after action by the registrar or Board of Registration, depending upon certain conditions, see 21 M.R.S.A. § 134-2. However, even in the cases of change of enrollment it should be noted that the application for change (although not the new enrollment) is immediately effective upon presentation. In the case of termination of enrollment, the termination, leaving the person unenrolled, is effective upon presentation of the request. The ministerial acts of making appropriate entries on the voter registration lists may take longer. But the termination itself is complete upon receipt of the request by the proper elective official. No discretion is provided to the registrars with regard to termination of enrollments.

In the case of the nomination of Paul Copeland to the Liquor Commission, I believe that the request for withdrawal was presented in sufficient time to make Mr. Copeland an unenrolled voter during the period of consideration of his nomination.

I hope this information is helpful.


DONALD G. ALEXANDER
Deputy Attorney General

DGA:jg

cc: Hon. John L. Martin, Speaker of the House
Hon. Joseph Sewall, President of the Senate