

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 596

H. P. 481

House of Representatives, February 23, 1977

On motion of Mrs. Boudreau of Portland, referred to Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Moody of Richmond.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Establish "Open" Primary Elections.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 21 MRSA § 1, sub-§ 26, is repealed and the following enacted in its place:

26. Primary election. "Primary election" means the regular biannual election by voters for the election of nominees of a major political party for the general election.

A. This subsection does not apply to a nomination to fill a vacancy or where the nomination is made by nomination petition.

Sec. 2. 21 MRSA § 134, sub-§ 2, 1st sentence, as last amended by PL 1975, c. 340, § 1, is further amended to read:

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, or to file a petition as a candidate for nomination by primary election~~ for a period of 3 months.

Sec. 3. 21 MRSA § 134, sub-§ 3, as last amended by PL 1975, c. 340, § 2, is further amended to read:

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

Sec. 4. 21 MRSA § 134, sub-§ 4, as last amended by PL 1975, c. 340, §§ 1 and 2, is further amended to read:

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 or convention ~~or primary election~~, regardless of his previous enrollment.

Sec. 5. 21 MRSA § 241, sub-§ 5, as enacted by PL 1973, c. 414, § 7, is amended to read:

5. Enrollment. In order to vote at a caucus or convention ~~or primary election~~, ~~he must~~ the voter shall be enrolled in a political party ~~in~~ of the municipality.

Sec. 6. 21 MRSA § 241-A is enacted to read:

§ 241-A. Voting at primary election

Any registered voter may vote at the primary election for the nominees of any one political party, regardless of his party enrollment and regardless of whether or not he is enrolled in a major political party. Voting procedure shall be as in section 861, subsections 1 and 3.

Sec. 7. 21 MRSA § 861, sub-§ 1, is amended by adding at the end the following new sentence:

In the primary election, the voter shall state which major political party ballot he prefers and shall be issued the same.

Sec. 8. 21 MRSA § 861, sub-§ 3, is amended to read:

3. Ballot issued. The incoming election clerk in charge of issuing the ballots shall give the voter one ballot of each kind to which he is entitled and shall note beside the voter's name on the voting list that he received the proper ballot or ballots to which he is entitled, except in the case of a primary election, the ballot clerk shall note beside the voter's name which party ballot he received.

STATEMENT OF FACT

The purpose of this bill is to establish an "open" primary system in Maine to replace the "closed" primary system which is presently in force.