

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 140
6

7 H.P. 115

House of Representatives, January 22, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

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12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Equalize the Election Laws
18 Concerning Party and Independent
19 Candidates and Voters.
20

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

23 Sec. 1. 21 MRSA §102-A, sub-§5, as amended by PL
24 1983, c. 169, §3, is further amended to read:

25 5. Enrollment. An individual may register and
26 enroll in a ~~political~~ party at the same time and on
27 the same form. Upon receipt of the application, the
28 registrar shall follow the procedure of section 132,
29 subsections 2 and 3.

30 Sec. 2. 21 MRSA §132 is amended to read:

31 §132. Procedure

32 A voter may ~~enroll~~ apply for enrollment in a par-
33 ty by filing an application with the registrar per-

1 sonally, by mail or otherwise, at any time, except
2 that a voter who ~~enrolls~~ applies on election day must
3 do so personally.

4 1. Content of application. The application must
5 contain the following information: Name of applicant,
6 street address, voting district, name of party in
7 which enrollment is requested, date and signature of
8 applicant.

9 2. Party designation on voting list. On receipt
10 of the application, the registrar shall ~~place the~~
11 ~~party designation of the applicant~~ beside his name on
12 the voting list and file the application.

13 3. Time of enrollment. Three months from the
14 date on which he receives the application, the regis-
15 trar shall enroll the applicant in the party re-
16 quested and place the party designation of the appli-
17 cant beside his name on the voting list, except as
18 provided in paragraph A.

19 A. The registrar shall enroll a voter immediate-
20 ly upon receipt of a properly completed applica-
21 tion if that voter:

22 (1) Is 19 years of age or younger;

23 (2) Resided in another state when the last
24 prior general election was held; or

25 (3) Desires to enroll in a party that has
26 qualified or is attempting to qualify under
27 sections 322 or 323.

28 This paragraph does not apply to a change of en-
29 rollment under section 134.

30 Sec. 3. 21 MRSA §133, as amended by PL 1975, c.
31 761, §10, is further amended to read:

32 §133. Permitted at any election

33 A voter who is not enrolled in a municipality may
34 ~~enroll at any~~ apply for enrollment at a general elec-
35 tion by filing personally the application required by
36 section 132 with the incoming election clerk, after

1 which he may vote. If the applicant votes by absentee
2 ballot because of physical incapacity, he may
3 file the application with his absentee ballot.

4 1. Application delivered to warden. The election
5 clerk who receives the completed application shall
6 initial it and deliver it to the warden, who shall
7 ~~cause it to be~~ have it delivered to the registrar,
8 after the polls are closed.

9 2. Party designation on voting list. On receipt
10 of the application, the registrar shall ~~place the~~
11 ~~party designation of the applicant beside his name on~~
12 ~~the voting list and file the application follow the~~
13 procedure of section 132, subsections 2 and 3.

14 3. Applications furnished by registrar. The reg-
15 istrar shall furnish a reasonable number of enroll-
16 ment applications to the warden at each voting place.
17 If there are not enough applications at the voting
18 place, the applicant may write the information re-
19 quired by section 132 on a blank piece of paper.

20 Sec. 4. 21 MRS.A §134, as amended by PL 1975, c.
21 340, §§1 and 2, is further amended to read:

22 §134. Change of enrollment

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

26 1. Content of application. The application must
27 be dated and signed by the applicant. It must contain
28 the following information: Name of applicant, street
29 address, voting district, name of party in which en-
30 rolled, and name of party in which enrollment is re-
31 quested.

32 2. Party designation removed from voting list.
33 On receipt of the application, the registrar shall
34 remove the party designation beside the name of the
35 applicant on the voting list and shall ~~make a nota-~~
36 ~~tion on the voting list that the applicant is ineli-~~
37 ~~gible to vote at a caucus or primary election, or to~~
38 ~~file a petition as a candidate for nomination by pri-~~
39 ~~mary election, for a period of 3 months. At the ex-~~

1 piration of 3 months from the date of receipt of the
2 application by the registrar, the registrar shall en-
3 roll the applicant in the party requested.

4 2-A. New enrollment. After the registrar has
5 removed the applicant's party designation, he shall
6 follow the procedure of section 132, subsections 2
7 and 3.

8 3. Restrictions during change of enrollment. A
9 voter may not vote at a caucus or primary election or
10 file a petition as a candidate for nomination by pri-
11 mary election within 3 months after filing an appli-
12 cation to change his enrollment, except as provided
13 in subsection 4.

14 4. Change of residence. When a voter changes his
15 residence from one municipality to another and estab-
16 lishes a new voting residence there, he may enroll in
17 any party and vote at a caucus, convention or primary
18 election, regardless of his previous enrollment.

19 Sec. 5. 21 MRSA §135, sub-§1, as amended by PL
20 1971, c. 3, §3, is further amended to read:

21 1. Limitation. A voter may not file a request to
22 withdraw his enrollment for 3 months after the date
23 on which he enrolled applied for enrollment.

24 Sec. 6. 21 MRSA §174, first ¶ is amended to
25 read:

26 The registrar shall record enrollments by adding
27 the party designation of the voter beside his name on
28 the voting list in accordance with section 132, sub-
29 sections 2 and 3.

30 Sec. 7. 21 MRSA §246, sub-§1, as repealed and
31 replaced by PL 1977, c. 496, §10, is amended to read:

32 1. Registration and enrollment. He may regis-
33 ter, enroll and vote in any town within his represen-
34 tative district or, if he lives in a portion of a
35 township not easily accessible to a town within his
36 representative district, he may register, enroll apply
37 for enrollment and vote in a more convenient town
38 within or outside the county. He may register and en-

1 roll on election day. The registrar shall place the
2 letter "T" beside his name on the voting list and on
3 the general register.

4 A. He may not vote at a municipal election or on
5 a liquor option question. If he votes in a town
6 outside his representative district, he may not
7 vote for the office of Representative to the Leg-
8 islature. If he votes in a town outside his state
9 senatorial district, he may not vote for the of-
10 fice of State Senator. If he votes in a town out-
11 side his county, he may not vote for any county
12 office. The incoming election clerk shall mark a
13 line through the names of the officers for which
14 he may not vote, add the letter "T" and initial
15 the outside of the ballot.

16 Sec. 8. 21 MRSA §364, sub-§1, as amended by PL
17 1971, c. 622, §68-A, is further amended to read:

18 1. Oath. "I, (name of challenged person), swear
19 that I am a registered and enrolled voter in this
20 voting district, and that I am a member of the party
21 holding this caucus, and that I have not been en-
22 rolled in any other party in this municipality within
23 the last 3 months."

24 Sec. 9. 21 MRSA §444, as repealed and replaced
25 by PL 1977, c. 425, §1, is amended to read:

26 §444. Qualification of candidate for primary nomina-
27 tion

28 A candidate for nomination by primary election
29 must become qualified by filing a primary petition
30 and consent as provided in sections 445 and 446. He
31 must be enrolled, on or before April 1st, in the par-
32 ty named in the petition, and must be eligible to
33 file a petition as a candidate for nomination by pri-
34 mary election as provided in section 134, subsection
35 3. The registrar in the candidate's municipality of
36 residence shall must certify to that fact upon the
37 petition.

38 Sec. 10. 21 MRSA §639, as enacted by PL 1973, c.
39 106, is repealed.

1 Sec. 11. 21 MRSA §672, 5th ¶, as amended by PL
2 1973, c. 782, §9, is further amended to read:

3 The registrar of voters or board of registration
4 will hold office hours while the polls are open to
5 correct any error in or change a name or address on
6 the voting list; to accept the registration of any
7 person eligible to vote and to accept applications
8 for new enrollments.

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STATEMENT OF FACT

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The intent of this bill is reflected in its title. The bill delays the enrollment of voters for 3 months from the date of application. Exceptions are made to allow the immediate enrollment of teenage voters, voters who have recently moved into the State and voters who enroll in newly-formed parties. This bill would:

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1. Prevent independent voters from filing as a candidate for a party's nomination by primary election at the last minute by requiring party candidates to have applied for enrollment at least 3 months before the petition filing deadline. This parallels the present restriction on party members who change their enrollment and desire to run as a candidate for their new party; and

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2. Reduce the likelihood of independent voters enrolling in a party solely to affect that party's vote at a caucus or primary election by requiring voters to apply for enrollment in a party at least 3 months before the caucus or primary. This parallels the present restriction on party members who switch enrollment and desire to vote in their new party's caucus or primary.

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This bill subjects independent and party candidates and voters to the same restrictions upon their ability to switch, withdraw from or participate in political parties. This protects the integrity of the political party process in the State while treating independent candidates and voters in the same manner as party members.

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