

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 228

H.P. 184 House of Representatives, February 4, 1987 Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative DIAMOND of Bangor. Cosponsored by Representative MURPHY of Kennebunk, Senators CLARK of Cumberland and PERKINS of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Allow Political Parties to Determine the Qualifications of Voters in Primary Elections.

5 Be it enacted by the People of the State of Maine as 6 follows:

7 Sec. 1. 21-A MRSA §1, sub-§32, as enacted by PL 8 1985, c. 161, §6, is amended to read:

9 32. <u>Primary election</u>. "Primary election" means 10 the regular election by the votors of a party for the 11 election of nominees <u>of a party</u> for the general elec-12 tion.

§340. Notice of parties of qualified primary voters

Sec. 2. 21-A MRSA §340 is enacted to read:

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Page 1-LR1646

1 1. Notice to Secretary of State. No later than 2 February 1st of the election year, each political 3 party eligible to participate in a primary election shall notify the Secretary of State of the enrollment 4 qualifications for voters eligible to vote in that 5 6 party's primary. If no notice is received by that 7 date, only voters enrolled in a political party may vote in that party's primary. 8

9 <u>2. Notice to municipal clerks. The Secretary of</u> 10 <u>State shall inform all municipal clerks of the quali-</u> 11 fications necessary for voters to participate in each 12 party's primary. The clerks shall establish proce-13 dures to ensure that all qualified primary voters are 14 offered ballots for each party in which primary elec-15 tion the voters are qualified to vote.

STATEMENT OF FACT

17 change to the election law is necessary be-This 18 cause of the United States Supreme Court decision in 19 Tashjian, Secretary of State of Connecticut v. Repub-20 lican Party of Connecticut et al., which declared 21 that a state may not set voter enrollment eligibility 22 standards for political parties which conduct primary 23 elections. This bill allows the parties to notify Secretary of State if they wish others than vot-24 the 25 ers enrolled in that party to participate in that 26 party's primary election.

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Page 2-LR1646