

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 184, L.D. 228)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1468

H.P. 1080 House of Representatives, May 8, 1987  
Reported by Representative PERRY from the Committee on  
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored 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.

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

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

32. Primary election. "Primary election" means  
the regular election ~~by the voters of a party~~ for the  
election of nominees of a party for the general elec-  
tion.

Sec. 2. 21-A MRSa §111, sub-§5, as enacted by PL  
1985, c. 161, §6, is amended to read:



1 STATEMENT OF FACT

2 This change to the election laws reflect the re-  
3 cent decision of the United States Supreme Court de-  
4 cision in Tashjian, Secretary of State of Connecticut  
5 v. Republican Party of Connecticut et al., which de-  
6 clared that a state may not set voter enrollment eli-  
7 gibility standards for political parties which con-  
8 duct primary elections. This new draft allows the  
9 parties to notify the Secretary of State if they wish  
10 voters other than voters enrolled in that party to  
11 participate in that party's primary election, as did  
12 the original bill.

13 This new draft adds a reference to the new provi-  
14 sion to the section pertaining to enrollment. Addi-  
15 tionally, a reference to the restrictions regarding  
16 change of enrollment is added to the new provision.  
17 Current law, which is not changed by this new draft,  
18 restricts a voter from voting at a party caucus con-  
19 vention or primary within 3 months of changing en-  
20 rollment. Under the United State Supreme Court 1973  
21 decision Rosario v. Rockefeller, states have the  
22 right to prevent distortion in elections by "party  
23 raiding."

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