

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

## ONE HUNDRED AND THIRTEENTH LEGISLATURE

NO. 1468

Legislative Document

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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. <u>Primary election</u>. "Primary election" means the regular election by-the-voters-of-a-party for the election of nominees of a party for the general election.

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

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Enrollment. He must be enrolled in a party 1 5. 2 in that municipality to vote at a caucus, convention 3 or primary election, unless otherwise permitted by a 4 political party pursuant to section 340. 5 Sec. 3. 21-A MRSA §340 is enacted to read: 6 §340. Notice of parties of qualified primary voters 7 1. Notice to Secretary of State. No later than February 1st of the election year, each political party eligible to participate in a primary election 8 9 shall notify the Secretary of State of the enrollment 10 qualifications, subject to the restrictions in sec-tion 144, for voters eligible to vote in that party's primary. If no notice is received by that date, only 11 12 13 voters enrolled in a political party may vote in that 14. 15 party's primary. 16 2. Notice to municipal clerks. The Secretary of 17 State shall inform all municipal clerks of the qualifications necessary for voters to participate in each party's primary. The clerks shall establish proce-18 19 dures to ensure that all qualified primary voters are 20

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FISCAL NOTE

offered ballots for each party in which primary elec-

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23.

The exact fiscal impact of this new draft can not be determined. If the number of voters allowed to participate in the primary election increases, then the costs to the Secretary of State for preparing primary election ballots will also increase.

tion the voters are qualified to vote.

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## STATEMENT OF FACT

This change to the election laws reflect the recent decision of the United States Supreme Court decision in Tashjian, Secretary of State of Connecticut v. Republican Party of Connecticut et al., which declared that a state may not set voter enrollment eligibility standards for political parties which conduct primary elections. This new draft allows the parties to notify the Secretary of State if they wish voters other than voters enrolled in that party to participate in that party's primary election, as did the original bill.

This new draft adds a reference to the new provision to the section pertaining to enrollment. Additionally, a reference to the restrictions regarding change of enrollment is added to the new provision. Current law, which is not changed by this new draft, restricts a voter from voting at a party caucus convention or primary within 3 months of changing enrollment. Under the United State Supreme Court 1973 decision <u>Rosario v. Rockefeller</u>, states have the right to prevent distortion in elections by "party raiding."

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