

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 610

H.P. 444

House of Representatives, February 23, 1995

An Act to Create an Open Primary in the State.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.
Cosponsored by Representatives: GERRY of Auburn, GREEN of Monmouth, JONES of Bar Harbor.

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

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Sec. 1. 21-A MRSA §111, sub-§5, as amended by PL 1987, c. 423, §2, is repealed.

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Sec. 2. 21-A MRSA §144, sub-§§2 and 3, as amended by PL 1993, c. 330, §1, are further amended to read:

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2. Party designation removed from voting list. On receipt of the application, the registrar shall remove the party designation beside the name of the applicant on the voting list. The registrar shall make a notation on the voting list that the applicant is ineligible to vote at a caucus or primary election for 15 days and that the applicant is ineligible to file a petition as a candidate for nomination by primary election for 3 months. Fifteen days after receiving the application, the registrar shall enroll the applicant in the party requested.

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This subsection does not apply in the case of a voter who changes enrollment under subsection 4 or who chooses a political party at a primary as provided in section 146.

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3. Restrictions during change of enrollment. Except as provided in subsection 4 and section 146, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. A voter may not file a petition as a candidate for nomination by primary election within 3 months after filing an application to change enrollment, except as provided in subsection 4.

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Sec. 3. 21-A MRSA §146 is enacted to read:

§146. Unenrolled voters; permitted at primary

A voter who is not enrolled in a party may vote by indicating to the election clerk that voter's choice of political party for that primary election. The election clerk shall record the voter's selection on the voting list and shall give the voter the ballot of the political party the voter requests. If the voter was unenrolled prior to the selection of a party ballot, the voter shall continue to be unenrolled and shall be recorded as unenrolled in the current annual register of voters.

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STATEMENT OF FACT

This bill allows an unenrolled voter to vote in a primary by allowing the voter to choose in which party's primary the voter would like to participate. The election clerk will provide the voter with the ballot for that party and indicate on the voter's list in which party that the voter participated.