

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1086

H.P. 764

House of Representatives, March 21, 2017

**An Act To Amend the Laws on the Conduct of Elections and To
Establish a Nonpartisan Primary Election System for State and
Federal Candidates**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RYKERSON of Kittery.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: BATTLE of South Portland, HARLOW of Portland, SYLVESTER of
Portland.

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

2 **Sec. 1. 21-A MRSA §111, sub-§5**, as amended by PL 2005, c. 387, §1, is further
3 amended to read:

4 **5. Enrollment.** The person must be enrolled in a party in that municipality to vote at
5 that party's caucus, ~~or~~ convention ~~or primary election, unless otherwise permitted by the~~
6 ~~party pursuant to section 340.~~

7 **Sec. 2. 21-A MRSA §144, sub-§2**, as amended by PL 2005, c. 453, §27, is
8 further amended to read:

9 **2. Party designation removed.** On receipt of the application, the registrar shall
10 remove the party designation of the applicant from the central voter registration system.
11 The registrar shall indicate in the central voter registration system that the applicant is
12 ineligible to vote at a caucus ~~or primary election~~ for 15 days by designating the party
13 enrollment field with the letter "X." Fifteen days after receiving the application, the
14 registrar shall enroll the applicant in the party requested and enter the new party
15 designation in the party enrollment field.

16 This subsection does not apply in the case of a voter who changes enrollment under
17 subsection 4.

18 **Sec. 3. 21-A MRSA §144, sub-§3**, as repealed and replaced by PL 2013, c. 457,
19 §2, is amended to read:

20 **3. Restrictions during change of enrollment.** Except as provided in subsection 4, a
21 voter may not vote at a caucus, ~~or~~ convention ~~or primary election~~ for 15 days after filing
22 an application to change enrollment. A voter may sign a primary nomination petition
23 during the 15-day period after filing an application to change enrollment, and the voter's
24 signature must be counted as valid, as long as the 15-day period has elapsed by the time
25 the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is
26 qualified to sign a petition for that office. ~~Notwithstanding subsection 4, a voter must file~~
27 ~~an application to change enrollment prior to January 1st to be eligible to file a petition as~~
28 ~~a candidate in that election year.~~

29 **Sec. 4. 21-A MRSA §334**, as amended by PL 2009, c. 253, §16, is further
30 amended to read:

31 **§334. Qualification of candidate for primary nomination**

32 A candidate for nomination by primary election must file a primary petition and
33 consent under sections 335 and 336. The candidate must be enrolled, on or before March
34 15th, in the party named in the petition ~~and must be eligible to file a petition as a~~
35 ~~candidate for nomination by primary election under section 144, subsection 3.~~ The
36 registrar in the candidate's municipality of residence must certify to that fact on a form
37 designed by the Secretary of State.

38 **Sec. 5. 21-A MRSA §340**, as enacted by PL 1987, c. 423, §3, is repealed.

1 **Sec. 6. 21-A MRSA §431, sub-§2**, as enacted by PL 2015, c. 474, §4, is amended
2 to read:

3 **2. Eligible voter.** ~~Notwithstanding section 340, subsection 1, only~~ Only a voter who
4 is enrolled in a party may vote in the party's presidential primary election.

5 **Sec. 7. 21-A MRSA §603, sub-§7** is enacted to read:

6 **7. Include with absentee ballot.** A clerk shall provide a sample ballot with each
7 absentee ballot.

8 **Sec. 8. 21-A MRSA §625**, as amended by PL 2009, c. 538, §7, is further amended
9 by adding at the end a new paragraph to read:

10 The clerk shall post a sample ballot in or near each voting booth on election day.

11 **Sec. 9. 21-A MRSA §673, sub-§1, ¶A**, as corrected by RR 2011, c. 2, §21, is
12 amended to read:

13 A. A voter or an election official may challenge another voter only upon personal
14 knowledge or a reasonably supported belief that the challenged voter is unqualified.
15 Only the following reasons for challenges may be accepted by the warden. The
16 challenged person:

17 ~~(2) Is not enrolled in the proper party, if voting in a primary election;~~

18 (3) Is not qualified to be a registered voter because the challenged person:

19 (a) Does not meet the age requirements as specified in section 111,
20 subsection 2 and section 111-A;

21 (b) Is not a citizen of the United States; or

22 (c) Is not a resident of the municipality or appropriate electoral district
23 within the municipality;

24 (4) Registered to vote during the closed period or on election day and did not
25 provide satisfactory proof of identity and residency to the registrar pursuant to
26 section 121, subsection 1-A, except that only an election official may challenge
27 for this reason;

28 (5) Did not properly apply for an absentee ballot;

29 (6) Did not properly complete the affidavit on the absentee return envelope;

30 (7) Did not cast the ballot or complete the affidavit before the appropriate
31 witness;

32 (8) Communicated with someone as prohibited by section 754-A, subsection 1,
33 paragraph B or subsection 3, paragraph B or D;

34 (9) Did not have the ballot returned to the clerk by the time prescribed;

35 (10) Voted using the name of another;

36 (11) Committed any other specified violation of this Title; or

1 (12) Voted using the wrong ballot for the appropriate electoral district or
2 political party, if applicable.

3 **Sec. 10. 21-A MRSA §759, sub-§2**, as amended by PL 2007, c. 455, §42, is
4 further amended to read:

5 **2. Accepted if correct.** If the warden finds that the affidavit is properly completed,
6 that the clerk has verified that the signature on the envelope matches the signature on the
7 application where applicable; and that the person is registered ~~and enrolled where~~
8 ~~necessary~~, the warden shall then examine the incoming voting list to determine whether
9 the voter voted in person at the election. The warden shall then announce the name of
10 each absentee voter who has not voted at the election and remove each ballot from its
11 envelope without destroying the envelope or unfolding the ballot. After having an
12 election clerk from a political party different from that of the warden mark the letters
13 "AV" beside the name of each absentee voter on the incoming voting lists and place a
14 check mark or horizontal line in red ink on the list beside the voter's name, the warden
15 shall accept the ballot.

16 **Sec. 11. 21-A MRSA §759, sub-§3, ¶C**, as enacted by PL 1985, c. 161, §6, is
17 amended to read:

18 C. The person is not registered ~~or enrolled where necessary~~;

19 **Sec. 12. 21-A MRSA §759, sub-§4**, as amended by PL 2007, c. 455, §43, is
20 further amended to read:

21 **4. Warden to check absentee ballot for correct district.** ~~At a primary election~~
22 ~~when the warden removes a ballot from its envelope, the warden shall check its color to~~
23 ~~be sure it is the ballot of the party in which the voter is enrolled. If it is not, the warden~~
24 ~~shall immediately replace it in its envelope, reseal the envelope and write "Rejected" on~~
25 ~~it, the reason why and the warden's initials. At a primary or general election, in a~~
26 municipality that has more than one voting district, when the warden removes a ballot
27 from its envelope, the warden shall check its color to be sure it is the ballot of the district
28 in which the voter is registered. If it is not, the warden shall challenge the ballot
29 according to section 673.

30 **Sec. 13. 21-A MRSA §825, sub-§1**, as enacted by PL 1985, c. 161, §6, is
31 repealed.

32 **Sec. 14. Effective date.** This Act takes effect January 1, 2018.

33 **SUMMARY**

34 This bill amends the election laws to create a nonpartisan primary process for the
35 election of Legislators, United States Senators, Representatives to Congress and other
36 state and county officers.

37 The bill also amends the laws on the conduct of elections by requiring that a sample
38 ballot be provided with an absentee ballot and that a sample ballot be posted in or near

1 each voting booth on election day. It also removes the requirement that a voter must file
2 an application to change party enrollment prior to January 1st to be eligible to file a
3 petition as a candidate in that election year.