

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
S.P. 99 - L.D. 231

**An Act To Establish Semi-open Primaries**

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

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

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

**Sec. 2. 21-A MRSA §145, sub-§3** is enacted to read:

**3. Restrictions after withdrawal.** A voter may not vote at a caucus, convention or primary election for 15 days after filing an application to withdraw enrollment unless the voter withdraws from enrollment at the same time that the voter changes the voter's voting residence as provided in subsection 4.

**Sec. 3. 21-A MRSA §145, sub-§4** is enacted to read:

**4. Change of residence.** When a voter who is enrolled in a party changes residence from one municipality to another and establishes a new voting residence, the voter may choose not to enroll in a party when the voter submits a new voter registration application.

**Sec. 4. 21-A MRSA §321, sub-§1**, as amended by PL 2005, c. 387, §4, is further amended to read:

**1. Time, place and representation.** The party's state committee shall determine the time, place and basis of representation for the convention, except that unenrolled voters who participate in the party's primary election must be considered members of the party for purposes of allocating delegates. Delegates must be qualified to vote in the party's primary election members of the party unless otherwise permitted by party rules.

**Sec. 5. 21-A MRSA §340**, as enacted by PL 1987, c. 423, §3, is repealed.

**Sec. 6. 21-A MRSA §341** is enacted to read:

**§341. Unenrolled voter participation in primary elections allowed**

A registered voter not enrolled in a political party may participate, subject to the restrictions of section 145, subsection 3, in a party's primary election without enrolling in that political party. An unenrolled voter may vote in only one party's primary election. The Secretary of State shall establish procedures to ensure that each voter voting in a party's primary election is offered a ballot for that primary election.

**Sec. 7. 21-A MRSA §441, sub-§2**, as amended by PL 2021, c. 273, §7, is repealed.

**Sec. 8. 21-A MRSA §441, sub-§3** is enacted to read:

**3. Unenrolled voter participation in presidential primary elections allowed.** A registered voter not enrolled in a political party may participate, subject to the restrictions of section 145, subsection 3, in a party's presidential primary election without enrolling in that political party. An unenrolled voter may vote in only one party's presidential primary election. The Secretary of State shall establish procedures to ensure that each voter voting in a party's presidential primary election is offered a ballot for that primary election.

**Sec. 9. 21-A MRSA §671, sub-§2**, as repealed and replaced by PL 2015, c. 447, §18, is amended by enacting a new blocked paragraph to read:

In a primary election, if the voter is unenrolled but eligible to vote in a party's primary election under section 341 or 441, the election clerk in charge of the incoming voting list shall ask the voter to identify which party's ballot the voter wishes to receive. Unless the voter chooses not to receive a party ballot, the election clerk in charge of the incoming voting list shall state in a loud, clear voice the party ballot that the voter has requested and shall make a notation on the incoming voting list of the party ballot requested by the voter. The election clerk in charge of ballots shall give the voter the party ballot and shall repeat the party ballot being given to the voter.

**Sec. 10. 21-A MRSA §721**, as amended by PL 2015, c. 447, §25, is further amended to read:

### **§721. Reports of registration and enrollment**

Within 15 business days after any statewide election, the registrar shall update all information in the central voter registration system for all voters in the municipality to reflect any voter registration activity after the incoming voting list was printed for that election and up until the close of the polls on election day. The registrar shall also enter any designations of challenged ballots in the applicable voter records in the central voter registration system. The registrar shall notify the Secretary of State as soon as these tasks are complete.

After the registrar has completed the update of the central voter registration system, as required by this section, and no later than 45 business days after the election, unless a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election and, if the election was a primary election, by identifying which party's ballot, if any, was issued to each participating unenrolled voter. The clerk shall notify the Secretary of State as soon as this task is completed.

In a municipality in which a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election and, if the election was a primary election, by identifying which

party's ballot, if any, was issued to each participating unenrolled voter within 20 business days after receiving the incoming voting list that has been returned by the Secretary of State after the recount. The clerk shall notify the Secretary of State as soon as this task is completed.

**Sec. 11. 21-A MRSA §723-A, sub-§5-B**, as amended by PL 2021, c. 273, §11, is further amended to read:

**5-B. Presidential primary elections; selection of delegates.** Notwithstanding any provision of this section to the contrary, for presidential primary elections, batch elimination may not be used for any candidates with more than 100 votes, tabulation must continue until only 2 continuing candidates remain, separate tabulations must be conducted statewide and for each congressional district and selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention, except that unenrolled voters who participate in the party's primary election must be considered members of the party for purposes of allocating delegates.

**Sec. 12. 21-A MRSA §753-B, sub-§6, ¶A**, as amended by PL 2021, c. 273, §20, is further amended to read:

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the ballot was requested, issued and received; if the voter is unenrolled, which party's ballot the voter requested for the primary election, if applicable; and a notation of whether the application and the ballot were accepted or rejected. If the clerk determines that there is a defect on the return envelope of an absentee ballot under section 756, subsection 2 and that defect is cured pursuant to section 756-A, the clerk shall note whether the ballot was accepted or accepted but challenged and shall list the date that the defect was cured as the date that the ballot was received. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted, accepted but challenged or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

**Sec. 13. Transfer from Medical Use of Marijuana Fund, Other Special Revenue Funds account to unappropriated surplus of General Fund.** Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State

Controller shall transfer \$200,932 from the Medical Use of Marijuana Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

**Sec. 14. Effective date.** This Act takes effect January 1, 2024.