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VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 99, L.D. 231, “An Act To Establish Open Primaries”

Amend the bill by striking out the title and substituting the following:

'An Act To Establish Semi-open Primaries'

Amend the bill by inserting after section 1 the following:

'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.'

Amend the bill in section 3 in §341 in the first indented paragraph in the 2nd line (page 1, line 11 in L.D.) by striking out the following: "144" and inserting the following: '145, subsection 3'

Amend the bill in section 5 in subsection 3 in the 3rd line (page 1, line 19 in L.D.) by striking out the following: "144" and inserting the following: '145, subsection 3'

COMMITTEE AMENDMENT

1 Amend the bill by inserting after section 5 the following:

2 **'Sec. 6. 21-A MRSA §671, sub-§2**, as repealed and replaced by PL 2015, c. 447,
3 §18, is amended by enacting a new blocked paragraph to read:

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

12 **Sec. 7. 21-A MRSA §721**, as amended by PL 2015, c. 447, §25, is further amended
13 to read:

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

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

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

29 In a municipality in which a recount has been requested pursuant to section 737-A, the
30 clerk shall update the central voter registration system by entering voter participation
31 history for that election and, if the election was a primary election, by identifying which
32 party's ballot, if any, was issued to each participating unenrolled voter within 20 business
33 days after receiving the incoming voting list that has been returned by the Secretary of State
34 after the recount. The clerk shall notify the Secretary of State as soon as this task is
35 completed.

36 **Sec. 8. 21-A MRSA §723-A, sub-§5-B**, as enacted by PL 2019, c. 539, §3 and
37 affected by §6, is amended to read:

38 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
39 provision of this section to the contrary, selection and allocation of delegates to a party's
40 national presidential nominating convention must be in accordance with any reasonable
41 procedures established at the state party convention, except that unenrolled voters who
42 participate in the party's primary election must be considered members of the party for
43 purposes of allocating delegates.

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Sec. 9. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2013, c. 457, §3, 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. 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 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. 10. Effective date. This Act takes effect January 1, 2024.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment retains the provisions of the bill that allow an unenrolled voter to vote in a single party's primary election without having to enroll in a political party.

Under current law, a voter who changes enrollment from one political party to another political party may not vote in any caucus, convention or primary election for 15 days after changing enrollment, unless the voter changes the voter's voting residence at the same time that the voter changes political party enrollment. This amendment similarly prohibits a voter who withdraws from a political party from voting in any caucus, convention or primary election for 15 days after withdrawing from a party, unless the voter changes the voter's voting residence at the same time that the voter withdraws from a political party.

The amendment also requires an election clerk to record on the incoming voting list and on the list of absentee voters which party's primary ballot, if any, is issued to an unenrolled voter during a primary election. After the primary election, this information must be entered in the central voter registration system.

In addition, the amendment provides that an unenrolled voter who participates in the party's primary election must be considered a member of the party for purposes of allocating delegates to the party's state convention and national presidential nominating convention.

Finally, the amendment delays the effective date of the bill to January 1, 2024.