

**Sponsor's Proposed Amendment to LD 231, An Act To Establish Open Primaries**

Amend the bill by inserting after section 5 the following:

**Sec. 6. 21-A MRSA §321, sub-§1** is 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 primary must be considered members of the party for purposes of allocating delegates. Delegates must be qualified to vote members of the party or unenrolled voters who participated in the party's primary election ~~unless otherwise permitted by party rules.~~

**Sec. 7. 21-A MRSA §671, sub-§2,** is amended to read:

**2. Name checked and ballot issued.** The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name, and if there is more than one party or district ballot style used at that voting place, the election clerk must state in a loud, clear voice the party or district ballot style that the voter must be given. The election clerk in charge of the ballots shall give the voter one ballot of each kind to which the voter is entitled, and if there is more than one party or district ballot style used at that voting place, the election clerk must repeat the party or district ballot style being given to the voter. The voter must be given a ballot when the voter's name is checked on the incoming voting list and may not be referred to another location to obtain the ballot. A voter who will vote using the accessible voting system may not be given an official ballot, but may be given a sample ballot to use as a voting aid.

If the voter is unenrolled but eligible to vote in a party primary under section 341 or 441, the election clerk in charge of the incoming voting list must ask the voter to identify which party's primary election ballot the voter wishes to receive. Unless the voter chooses not to vote in any party's primary election, 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. 8. 21-A MRSA §721** is 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.

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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 pursuant to section 671, subsection 2. 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 pursuant to section 671, subsection 2, 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. 9. 21-A MRSA §723-A, sub-§5-B** is amended to read:

**5-B. Presidential primary elections; selection of delegates.** Notwithstanding any provision of this section to the contrary, 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 primary must be considered members of the party for purposes of allocating delegates. Delegates must be members of the party or unenrolled voters who participated in the party's presidential primary election.

**Sec. 10. Effective date.** This Act takes effect January 1, 2024.

### SUMMARY

This amendment requires an election clerk to record on the incoming voting list 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. The amendment also provides that an unenrolled voter who participates in the party's primary election must be considered a member of the party for purposes of selecting and allocating delegates to the party's state convention and national presidential nominating convention. Finally, the amendment delays the effective date of the bill until January 1, 2024.