

Amend the bill by striking out the title and inserting the following in its place:

An Act To Establish Semi-open Primaries

NOTE: RETAIN SECTION 1 OF THE BILL (deleting a cross-reference to §340)

Amend the bill by inserting after section 1 the following

Sec. 2. 21-A MRSA §145, sub-§§3 and 4 are 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.

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, that voter may choose not to enroll in a party when the voter submits a new voter registration application.

NOTE: RETAIN SECTION 2 OF THE BILL (repealing [21-A M.R.S. §340](#))

Amend the bill in section 3 as follows:

Sec. 3. 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 ~~144~~ 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.

NOTE: RETAIN SECTION 4 OF THE BILL (repealing [21-A M.R.S. §441\(2\)](#))

Amend the bill in section 5 as follows:

Sec. 5. 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 ~~144~~ 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.

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 members of the party qualified to vote 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.

In a primary election, 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 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. 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.

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.

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.

This amendment also 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.

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 until January 1, 2024.