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## Maine Town & City Clerks' Association

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Local Government Center • 60 Community Drive  
Augusta, Maine 04330-9486  
1-800-452-8786 (In Maine) • 207-623-8428

Date: March 2, 2021

To: Senator Louis J. Luchini, Senate Chair  
Representative Chris Caiazza, House Chair  
And members of the Veterans and Legal Affairs Committee

From: Patti Dubois, Chairperson, Legislative Policy Committee  
Maine Town and City Clerks' Association

Re: LD 231 – An Act to Establish Open Primaries  
  
LD 303 – An Act to Establish Semi-Open Primary Elections to Allow Unenrolled Voters to Participate

Position: Neither For Nor Against

The Maine Town & City Clerks' Association is Neither For Nor Against LD 231 and LD 303 for several reasons and we thank you for the opportunity to outline our points for your Committee.

Primary elections are a function of the political parties and have required that voters who wish to participate in a party's caucus be enrolled in that party. State law requires voters to remain in a party for at least three months after enrolling before they can either unenroll or change to another party. Voters who are unenrolled can enroll in a party on Election Day and participate in that party's caucus that day. Primary Elections are always confusing for the voters and are generally more difficult for clerks to administer due to the multiple ballots styles, vote tallies by party, ensuring the voters are issued the correct ballot(s), and general voter confusion regarding party enrollment and participation.

It was evident in the Presidential Primary of 2020 that many voters who were unenrolled wanted to participate in the Presidential Primary Election. This creates a challenge at the polls:

- The voter checks-in with the election clerk and is told that they will be issued the referendum ballot only.
- The voter questions why they aren't able to vote for the President.
- The election clerk must explain that they are not enrolled in a party, but that they can enroll today and participate, if they wish.
- The voter expresses an interest in enrolling.

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- The voter must go the Registrar of Voters, complete a new voter registration card, be issued a Certificate of Registration (COR) from the Registrar to be provided to the check-in clerk.
- The voter goes back to the check-in clerk and provides the COR.
- The check-in clerk must notate the new party on the check-in list and provide the voter all of the ballots for which they are eligible.

This scenario was played out thousands of times across the state on March 3, 2020, resulting in many voters having to visit the check-in clerk twice. This “double check-in” slowed down the voting process and resulted in longer wait times for many voters. These longer wait times may have resulted in voters being disenfranchised in they were unable to wait.

This bill would eliminate the process of enrolling and double checking in unenrolled voters who only wish to participate in the Primary Election. It would also eliminate the process of unenrolling voters after the three-month required enrollment period has passed.

Clerks are concerned that if unenrolled voters can simply select which party ballots they want to vote, it will require that many extra ballots be printed in order to ensure that there are enough of each ballot style available. This extra printing will result in more costs and, subsequently, more waste.

We are concerned that voters might misinterpret the new law in a few other ways:

- Voters who are enrolled in one party might think they could request the ballot of another party.
- Voters who changed parties within the 15 days before election day might feel entitled to a ballot from another party.
- Voters who withdraw from a political party within the 15 days before election day might feel entitled to the opportunity to select any party ballot (under current law, a voter who withdraws from a party is not immediately removed from a party but their status goes into a 15 day “holding pattern” of no party status).
- Many voters who are enrolled in the Green-Independent party do not understand that they are actually enrolled in a party and feel because the word “independent” is included within the party name, that they are actually unenrolled voters. This is extremely common and something that every municipality experiences.

If this bill is adopted, registered voters who are not enrolled in a political party would be entitled to select one party’s ballot and vote that ballot in a primary election. If this process becomes law, we respectfully request that the State conduct a full voter education outreach program to promote this new change.

The Maine Town & City Clerks’ Association appreciates the opportunity to share its testimony with the Committee. Should any questions arise, please feel free to contact me at 680-4210 or by email: [pdubois@waterville-me.gov](mailto:pdubois@waterville-me.gov) .

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