

**§441. Determination and date of primary; voter eligibility**

**1. Determination of primary.** No later than October 1st of the year prior to a presidential election year, the state committee of each party shall certify whether there is a contest among candidates for nomination as the presidential candidate. Upon receiving the certification from one or more parties, the Secretary of State shall announce the parties that will have a presidential primary election, which must be held on the first Tuesday after the first Monday in March of the presidential election year. [PL 2021, c. 273, §7 (AMD).]

**2. Eligible voter.**  
[PL 2021, c. 750, §7 (RP); PL 2021, c. 750, §14 (AFF).]

**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.  
[PL 2021, c. 750, §8 (NEW); PL 2021, c. 750, §14 (AFF).]

**SECTION HISTORY**

PL 2019, c. 445, §4 (NEW). PL 2021, c. 273, §7 (AMD). PL 2021, c. 750, §§7, 8 (AMD). PL 2021, c. 750, §14 (AFF).

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