

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

---

Legislative Document

No. 1904

---

S.P. 656

In Senate, December 24, 2019

### An Act To Amend Certain Laws Governing Elections

---

Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2019. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

Cosponsored by Representative BRYANT of Windham and

Senators: CHIPMAN of Cumberland, CLAXTON of Androscoggin, SANBORN, L. of Cumberland, Representatives: CRAVEN of Lewiston, HUBBELL of Bar Harbor, McCREIGHT of Harpswell, SCHNECK of Bangor, TEPLER of Topsham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §128, sub-§1**, as amended by PL 2005, c. 453, §20, is  
3 further amended to read:

4 **1. Registrar shall review records.** The registrar shall review the records of  
5 marriage, death, change of name and change of address in the office of the clerk or the  
6 assessors or as provided by the Department of Health and Human Services, Office of  
7 Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and  
8 shall revise the central voter registration system accordingly;

9 A. In addition to official records authorized by this subsection, the registrar or the  
10 Secretary of State may use the following notices of death as a basis to cancel a voter's  
11 record in the central voter registration system as long as the registrar or Secretary of  
12 State determines that the record matches the record of that registered voter.

13 (1) A published obituary may be used if it contains the name of the registered  
14 voter along with the date and place of death of that voter.

15 (2) A notice from an immediate family member of the registered voter may be  
16 used if it contains the name of the voter along with the date and place of death of  
17 that voter and is signed by the immediate family member. The Secretary of State  
18 shall design a form to be used for this purpose;

19 **Sec. 2. 21-A MRSA §363, first ¶**, as amended by PL 1993, c. 447, §3, is further  
20 amended to read:

21 The meeting of a political committee as required by sections 371, ~~373~~, 374-A, 381,  
22 382 and 393 is governed by the following provisions.

23 **Sec. 3. 21-A MRSA §365, first ¶**, as amended by PL 2003, c. 510, Pt. A, §13, is  
24 further amended to read:

25 The political committee that has jurisdiction over the choice of a candidate for  
26 nomination or a nominee to fill a vacancy under sections 371, ~~373~~, 374-A, 381 and 382 is  
27 as follows.

28 **Sec. 4. 21-A MRSA §372**, as enacted by PL 1985, c. 161, §6, is repealed.

29 **Sec. 5. 21-A MRSA §373**, as amended by PL 2001, c. 310, §23, is repealed.

30 **Sec. 6. 21-A MRSA §374-A, sub-§1**, as amended by PL 2015, c. 447, §12, is  
31 further amended to read:

32 **1. Withdrawal and replacement of nominees.** The Secretary of State shall declare  
33 the vacancy as provided in section 362-A and a political committee may make a  
34 replacement nomination following a candidate's withdrawal only if a person nominated  
35 for an office, ~~other than United States Senator, Representative to Congress or Governor,~~  
36 at a primary election or by a political committee:

- 1 A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general  
2 election in accordance with section 367;
- 3 B. Withdraws because of a catastrophic illness, condition or injury that has  
4 permanently and continuously incapacitated the candidate and would prevent  
5 performance of the duties of the office sought, as long as the candidate or a member  
6 of the candidate's immediate family files with the Secretary of State a certificate  
7 accompanying the withdrawal request that describes the illness, condition or injury  
8 and is signed by a licensed physician; or
- 9 C. Dies prior to the general election.

10 **Sec. 7. 21-A MRSA §503-A, sub-§1**, as enacted by PL 2019, c. 64, §2, is  
11 amended to read:

12 **1. Qualifications; compensation.** Election clerks must be at least 18 years of age,  
13 must be registered to vote and must be residents of the municipality or the county in  
14 which they serve, except that residents of a municipality or county who are 16 or 17 years  
15 of age and who are conditionally registered to vote pursuant to section 155 also qualify to  
16 serve as election clerks. Election clerks are entitled to reasonable compensation as  
17 determined by the municipal officers.

18 **Sec. 8. 21-A MRSA §711, sub-§3**, as amended by PL 2007, c. 455, §39, is  
19 further amended to read:

20 **3. Clerk to record file election return.** The clerk shall ~~record the attested copies~~  
21 file an attested copy of the election return with the Secretary of State within ~~3~~ 2 business  
22 days after election day. If an attested copy of an election return is not delivered to the  
23 Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of  
24 State may send a courier to the municipality concerned, and the clerk shall give that  
25 courier an attested copy of the return. The municipality shall reimburse the Secretary of  
26 State for the costs of the courier service.

27 **Sec. 9. 21-A MRSA §712**, as amended by PL 2019, c. 371, §25, is repealed.

28 **Sec. 10. 21-A MRSA §760-B, sub-§2**, as amended by PL 2019, c. 371, §38, is  
29 further amended to read:

30 **2. Notice of early processing.** The clerk must give notice of the municipality's  
31 intent to process absentee ballots prior to election day using a notice of early processing  
32 form provided by the Secretary of State, stating the days and times that the clerk intends  
33 to begin processing absentee ballots and the inspection period provided in subsection 3.  
34 At least 60 days before election day, the clerk shall provide a copy of the notice of early  
35 processing to the Secretary of State and the chairs of each political party of the  
36 municipality indicating that early processing of absentee ballots will occur. The notice to  
37 the political parties must be considered sufficient as long as it is mailed to the last address  
38 of each municipal chair that is known to the clerk. The notice to the Secretary of State  
39 may be delivered by mail or facsimile or as a scanned attachment to an e-mail address  
40 established by the Secretary of State. If the notice is not received by the Secretary of  
41 State by 5:00 p.m. on the 60th day before election day, the municipality may not process

1 absentee ballots prior to election day. The clerk shall post a copy of the notice of early  
2 processing with the notice of election as provided in section 621-A.

3 **Sec. 11. 21-A MRSA §901, first ¶**, as amended by PL 2009, c. 253, §57, is  
4 further amended to read:

5 To initiate proceedings for a people's veto referendum or the direct initiative of  
6 legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and  
7 18, a voter shall submit a written application to the Department of the Secretary of State  
8 on a form designed by the Secretary of State. The application must contain the names,  
9 residence addresses, e-mail addresses, telephone numbers and signatures of 5 voters, in  
10 addition to the applicant, who are designated to receive any notices in proceedings under  
11 this chapter. The Secretary of State shall provide such notices by e-mail only. For a  
12 direct initiative, the application must contain the full text of the proposed law and a  
13 summary that explains the purpose and intent of the direct initiative in both electronic and  
14 printed formats. The voter submitting the application shall sign the application in the  
15 presence of the Secretary of State, the Secretary of State's designee or a notary public.

## 16 SUMMARY

17 The bill makes the following changes to the election laws.

18 1. It provides 2 additional methods of notice of deceased voters that election officials  
19 can use to maintain their voter files.

20 2. It lowers the age of qualification to be an election official from 17 years of age to  
21 16 years of age to correspond to a recent change in law that allows for the conditional  
22 registration of 16-year-olds.

23 3. It shortens the time that municipalities have to submit their official election returns  
24 to the Secretary of State from 3 business days to 2 business days after the election, and it  
25 moves the provision for sending a courier to retrieve delinquent returns to the same  
26 section of law as the filing requirement.

27 4. It adds a requirement that a clerk must post a copy of the notice of early  
28 processing of absentee ballots along with the notice of election.

29 5. It specifies additional information that must be provided on an application for a  
30 citizen's initiative or people's veto referendum and provides that notices must be provided  
31 to the applicants and other voters who are designated to receive notices by e-mail only.

32 6. It changes the withdrawal provisions for United States Senator, Representative to  
33 Congress and Governor to match those of other offices.