

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

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House of Representatives, February 13, 1976

Reported by Mr. Mackel from the Committee on Election Laws pursuant to H. P. 1646 and printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

Filed under Joint Rule 3 pursuant to H. P. 1646.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Relating to the Registration of Voters.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, important changes are needed in the laws regulating the registration of voters; and

Whereas, such changes should be in effect for the primary election this year so that there will not be a change in these laws between the primary and general elections; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 21 MRSA § 171, sub-§ 2, as last amended by PL 1973, c. 782, § 3, is amended by adding after the first sentence the following new sentence:

He shall, as soon as practicable, add to the voting list the names of voters from the supplemental voting list provided for in sections 631 and 632.

Sec. 2. 21 MRSA § 631, as last amended by PL 1973, c. 782, § 8, is repealed and the following enacted in place thereof:

§ 631. Schedule of registration; regular elections

The registrar shall accept registrations at a regular election according to the time schedule prescribed by this section. The registrar shall not accept

registrations on election day, except that he shall accept in person the registration of any person who attains his 18th birthday on election day and the registration of any person who otherwise qualifies as a voter as of election day.

1. Municipality of 2,500 or less. In a municipality of 2,500 or less population, the registrar shall accept registrations during the time prescribed by the municipal officers on at least one business day during the week before election day. The names of such voters shall be placed on the voting list. The registrar shall accept registrations, during the time prescribed by the municipal officers, on the business day next prior to election day. The names of such voters shall be placed on a supplemental voting list.

2. Municipality of 2,501 to 5,000. In a municipality of 2,501 to 5,000 population, the registrar shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 4th to 6th business days next prior to election day. The names of such voters shall be placed on the voting list. The registrar shall accept registrations, according to the same hourly schedule, on the 3 business days next prior to election day. The names of such voters shall be placed on a supplemental voting list.

3. Municipality of 5,001 to 10,000. In a municipality of 5,001 to 10,000 population, the registrar shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 6th to 10th business days next prior to election day. The names of such voters shall be placed on the voting list. The registrar shall accept registrations, according to the same hourly schedule, on the 5 business days next to election day. The names of such voters shall be placed on a supplemental voting list.

4. Municipality of 10,001 to 24,000. In a municipality of 10,001 to 24,000 population, the registrar shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 8th to 14th business days next prior to election day. The names of such voters shall be placed on the voting list. The registrar shall accept registrations, according to the same hourly schedule, on the 7 business days next prior to election day. The names of such voters shall be placed on a supplemental voting list.

5. Municipality of 24,001 or more. In a municipality of 24,001 or more population, the registrar shall accept registrations from 1 to 5 p.m. and from 7 to 9 p.m. on the 10th to 18th business days next prior to election day. The names of such voters shall be placed on the voting list. The registrar shall accept registrations, according to the same hourly schedule, on the 9 business days next prior to election day. The names of such voters shall be placed on a supplemental voting list.

Sec. 3. 21 MRSA § 632, as last amended by PL 1973, c. 414, § 28, is repealed and the following enacted in place thereof:

§ 632. Schedule of registration; special elections

The registrar shall accept registrations at a special election according to the time schedule prescribed by this section. The registrar shall not accept

registrations on the election day, except that he shall accept in person the registration of any person who attains his 18th birthday on election day and the registration of any person who otherwise qualifies as a voter as of election day.

1. **Municipality of 2,500 or less.** In a municipality of 2,500 or less population, the registrar shall accept registrations during the time prescribed by the municipal officers on the business day next prior to election day.

2. **Municipality of more than 2,500.** In a municipality of more than 2,500 population, the registrar shall accept registrations during the time prescribed by the municipal officers on the 3 business days next prior to election day.

Sec. 4. 21 MRSA § 637, as amended by PL 1971, c. 173, is further amended to read:

§ 637. Registrar to check records

Before the close of ~~registrations~~ the period for accepting the registrations of voters to be placed on the voting list prior to any election, the registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors, and shall correct the voting list accordingly. In lieu of examining the records in the custody of the clerk, the clerk may provide the registrar with a list, certified by the clerk to be true, of the marriages, deaths and changes which took place during the 2 years next prior to the close of the ~~registrations~~ period for accepting the registrations of voters to be placed on the voting list.

Sec. 5. 21 MRSA § 638, sub-§ 2, as last amended by PL 1967, c. 225, § 11, is further amended to read:

2. **Correction of name or address.** The registrar shall correct ~~his~~ the voter's name or address on the voting list, or supplemental voting list and ~~he~~ the voter may then vote under his new name or in his new district on election day.

A. In a municipality which has more than one voting district, if a voter has changed his address and votes by absentee ballot after the close of registration, he must send a written notice of his new address along with his absentee ballot application notifying the board of registration of his new address. A certificate containing his name and new address shall be directed to the warden of his new voting place to be attached to the incoming voting list or supplemental voting list on election day.

Sec. 6. 21 MRSA § 672, 3rd ¶ from the end, as last amended by PL 1973, c. 782, § 9, is further amended to read:

The registrar of voters or board of registration will hold office hours while the polls are open to correct any error in or change a name or address on the voting list or supplemental voting list; to accept the registration of any person ~~eligible to vote~~ who attains his 18th birthday on election day or of any person who otherwise qualifies as a voter as of election day; and to accept new enrollments.

Sec. 7. 21 MRSA § 761, as last amended by PL 1973, c. 414, § 36, is further amended to read:

§ 761. Posting of voting lists

The registrar shall post a certified copy of the voting list **and of the supplemental voting list** from each voting district at the usual voting place in that district prior to the opening of the polls on election day. He need not post the ~~list~~ lists before a special election.

Sec. 8. 21 MRSA § 762 is amended to read:

§ 762. Delivery of voting lists

The registrar shall deliver the necessary number of certified copies of the voting list **and of the supplemental voting list** to the clerk by 5 p.m. on the business day next prior to election day. The clerk shall give ~~him~~ the registrar a receipt for them.

Sec. 9. 21 MRSA § 802 is amended to read:

§ 802. Certified voting list and official ballot box

The certified copies of the voting list **and of the supplemental voting list** provided by the registrar and only one official ballot box must be used exclusively at each voting place.

Sec. 10. 21 MRSA § 831, sub-§§ 1 and 2, are amended to read:

1. **Error in voting list.** ~~He~~ The registrar shall correct any error in the voting list or supplemental voting list which might otherwise deprive a voter of his franchise.

A. Appear before registrar. A voter who is prevented from voting because his name or address does not appear correctly on the voting list may request the registrar to correct it.

B. Certificate issued. If the name or address of the voter was omitted by error from or placed incorrectly on the voting list **or supplemental voting list**, the registrar shall issue a certificate to him containing his correct name and address and directed to the warden of his voting place. The registrar shall correct it on the voting list **and supplemental voting list**.

C. Vote permitted. On receipt of the certificate, the warden shall allow the person named in it to vote, check his name on the certificate as having voted, and attach the certificate securely to the incoming voting list **and supplemental voting list**.

2. **Change of name or address.** He shall change a name or address on the voting list **or supplemental voting list**.

A. Appear before registrar. A voter whose name or address has changed as provided in section 638 may request the registrar to change it on the voting list **or supplemental voting list**.

B. Certificate issued. The registrar shall issue a certificate to him and he may vote as provided in subsection I.

Sec. 11. 21 MRSA § 861, sub-§ 2, is amended to read:

2. **Enters guardrail.** The incoming election clerk in charge of the voting list and of the supplemental voting list shall place a check mark on the list beside the voter's name and allow him to enter the area within the guardrail.

Sec. 12. 21 MRSA § 861, sub-§ 5, 1st sentence, is amended to read:

When he leaves the voting booth, the voter shall proceed to the ballot box and announce his name to the outgoing election clerk in charge of the voting list and of the supplemental voting list.

Sec. 13. 21 MRSA § 863, sub-§ 2, is amended to read:

2. **Voting list marked.** As soon as the challenge has been made, the election clerk in charge of the incoming voting list or supplemental voting list shall write "Challenged" beside the voter's name on the list, and give a ballot to the warden.

Sec. 14. 21 MRSA § 992, 1st sentence, is amended to read:

As soon as the polls are closed, an election clerk shall note on each certified copy of the voting list or supplemental voting list whether it was an incoming or outgoing list.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill is one of the results of the Election Laws Committee's review of the election laws pursuant to study order, H. P. 1646, and is supported by a minority of the committee.

This bill expands the time period for accepting registrations prior to elections. The present schedule based on municipal population would be retained as far as preparation of the voting list is concerned. However, the registrar would continue to accept registrations on the remaining business days before election day. The names of these voters would be placed on a new "supplemental voting list" which would be delivered to the polls for election day along with the main list.

The bill would prohibit registrations on election day itself, except for persons who turn 18 on that day and persons who otherwise qualify as of that day, for example, by establishing residence on that day. This would free election officials to attend to the various other problems that occur on election day.