

MAINE STATE LEGISLATURE

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Legislative Document

No. 2344

H. P. 2293

House of Representatives, April 6, 1976

Reported by Mrs. Boudreau from the Committee on Election Laws and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Clarify the Election Laws.

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

Whereas, there are a number of errors and inconsistencies in the election laws that must be corrected or clarified and a number of minor improvements that need to be made; and

Whereas, these changes should be in effect before the start of elections this year; 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Sec. 1. 20 MRSA § 225, sub-§ 2, ¶ A, 2nd and 3rd sentences, as last repealed and replaced by PL 1971, c. 196, § 1, and as amended, are repealed and the following enacted in place thereof:

It shall further be the duty of the board of directors to prepare and furnish the required number of ballots for carrying out the election as posted, including absentee ballots, and to prepare and furnish all other materials necessary to fulfill the requirements for voting procedures. The warrant shall specify that the municipal officers of the municipalities within the School Adminis-

trative District shall call a meeting or city election on a date and during the hours to be determined by the board of directors, except that under no circumstances shall the warrant be prepared and distributed less than 30 days prior to the date of the meeting or election.

Sec. 2. 20 MRSA § 225, sub-§ 2, ¶ G, 1st sentence, as last amended by PL 1973, c. 536, § 1, is repealed and the following enacted in place thereof:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of sections 2061 and 2062, except that the facsimile signature of the clerk referred to in section 2061, subsection 5, paragraph F, shall be that of the chairman of the board of directors.

Sec. 3. 21 MRSA § 1, sub-§ 8 is amended to read:

8. County office. "County office" means the office of judge of probate, register of probate, ~~clerk of courts~~ county treasurer, register of deeds, sheriff, ~~county~~ district attorney and county commissioner.

Sec. 4. 21 MRSA § 1, sub-§ 35, is repealed and the following enacted in place thereof:

35. Residence. "Residence" means that place in which a person's habitation is fixed and to which that person, whenever absent, has the intention to return.

Sec. 5. 21 MRSA § 72, sub-§ 1 is amended to read:

1. Request and statement. The applicant must make a written request to the registrar ~~accompanied by a written statement from his attending physician~~ certifying to ~~his~~ the applicant's physical inability to appear.

Sec. 6. 21 MRSA § 72, sub-§ 2 is amended by inserting after the first sentence the following new sentence:

This section is subject to the restrictions found in section 631.

Sec. 7. 21 MRSA § 72, sub-§ 2, ¶ A is repealed and the following enacted in place thereof:

A. Travel expense. The registrar is entitled to travel expense which shall be paid by the municipality at the same rate as paid other employees of the municipality.

Sec. 8. 21 MRSA § 102, sub-§ 2, last sentence is repealed and the following enacted in place thereof:

The registrar shall register a person by first name, middle name or initial, and surname, or by first name or initial, middle name and surname.

Sec. 9. 21 MRSA § 102-A, sub-§ 1, as last amended by PL 1973, c. 414, § 5, is repealed and the following enacted in place thereof:

1. Application. In addition to the procedure provided by section 102, a person may register to vote by completing an application which shall be designed by the Secretary of State, containing the following information:

- A. First name, middle name or initial, and surname, or first name or initial and middle name, and surname;
- B. Legal address, including street, street number, apartment number, town, county and zip code;
- C. Mailing address;
- D. Date of birth;
- E. Sex;
- F. Most recent prior residence where registered to vote, to include name under which registered, if changed, legal address and mailing address;
- G. Whether a citizen by birth or naturalization: If by naturalization, the date, place and court of naturalization. The applicant must also produce his certificate of naturalization or a certified copy of the court record of such naturalization from the court by which the applicant was naturalized, for inspection by the registrar or any other official empowered to register voters;
- H. Notification that failure to complete the entire application may prevent registration;
- I. Certification that all information is correct, sworn before a notary public or a justice of the peace; and
- J. Date of registration.

Sec. 10. 21 MRSA § 133, sub-§ 1 is amended to read:

1. Application delivered to warden. The election clerk who receives the completed application shall initial it and deliver it to the ~~registrar~~ warden, who shall cause it to be delivered to the registrar, after the polls are closed.

Sec. 11. 21 MRSA § 171, sub-§ 2, first sentence is amended to read:

~~He~~ The registrar shall keep a list current at all times by adding the names of new voters and by removing the names of those who have died, moved from the municipality ~~more than 3 months previously~~ with an apparent intention of abandoning their residence therein, or become disqualified to vote.

Sec. 12. 21 MRSA § 171, sub-§ 3 is repealed and the following enacted in place thereof:

3. List of deceased residents. The clerk shall, upon request of the registrar, furnish the registrar with a list of the deceased in the municipality.

Sec. 13. 21 MRSA § 172, as last amended by PL 1967, c. 172, and c. 544, § 53, is repealed and the following enacted in place thereof:

§ 172. Notice of removal from list

The registrar shall mail a notice to the last known place of residence of each living person whose name the registrar has removed from the voting list. Upon receipt of such notification, the person shall reply to the registrar within 30 days stating the reasons why that name should not be removed

from the voting list. If this notification is returned unclaimed, such return shall be deemed sufficient notice to make the removal of such name confirmed. Such returns and replies by the voter to the registrar shall be kept on file by the registrar and available for inspection for 2 years.

1. Content of notice. The notice shall contain the following message:

Dear:
(Name of voter)

This is to advise you that your name has been removed from the voting list of (name of municipality) for the following reasons: (Here state reason for removal). Your failure to reply within 30 days will be deemed to indicate your agreement with this action.

.....
(Name of registrar)
Registrar of voters
(Name of Municipality)

2. Content of reply. The postal card shall contain the following message:
Dear Registrar:

I respectfully request that my name be replaced on the voting list of (name of municipality) for the following reason: (Here allow space for reason to be stated). I swear that the reason stated above is true.

Signature
Address

3. Replacement on list. If the registrar is satisfied from the reply that the name should be replaced on the voting list, he shall do so. If not, the registrar shall notify the person within 14 days that the reason given appears to be insufficient and that such person's name has not been replaced on the voting list.

Sec. 14. 21 MRSA § 201, sub-§ 1, as last amended by PL 1969, c. 109, § 2, is repealed and the following enacted in place thereof:

1. Content of general register. The general register must contain the following information concerning each person on the voting list on index cards filed alphabetically by surname:

- A. First name, middle name or initial, and surname or first name or initial, middle name and surname;
- B. Legal address, including street, street number, apartment number, town, county and zip code;
- C. Mailing address;
- D. Date of birth;
- E. Sex;

F. Most recent prior residence where registered to vote, to include name under which registered, if changed, legal address and mailing address;

G. Whether a citizen by birth or naturalization: If by naturalization, the date, place and court of naturalization and the date on which the official empowered to register voters inspected the certificate or certified copy of the court record of naturalization;

H. Remarks concerning registration or enrollment; and

I. Date of registration.

Sec. 15. 21 MRSA § 362, as last amended by PL 1967, c. 225, § 1, is repealed and the following enacted in place thereof:

§ 362. Voting list

On request of the person or persons calling a municipal caucus, made to the registrar at least 5 business days in advance thereof, the registrar shall prepare, at the expense of the municipality, a certified copy of the voting list for use at the caucus. The secretary of the municipal committee shall obtain the copy from the registrar.

Sec. 16. 21 MRSA § 445, sub-§ 5, first sentence, is amended to read:

It must be signed by a number of voters equal to at least 1% but not more than 2% of the total vote cast for Governor at the last gubernatorial election in the electoral division which is to make the nomination ~~or equal to at least 10% of the total vote for Governor cast in that electoral division at the last gubernatorial election by the party of the candidate, whichever is less.~~

Sec. 17. 21 MRSA § 445, sub-§ 9, as last amended by PL 1973, c. 414, § 17, is repealed and the following enacted in place thereof:

9. When filed. It must be filed in the office of the Secretary of State by or before 5 p.m. on April 1st of the election year in which it is to be used.

Sec. 18. 21 MRSA § 492, sub-§ 1 is amended by inserting after the 3rd sentence a new sentence to read:

It may contain the candidate's political designation, which shall not exceed 3 words in length, and shall include the name or designation or a combination thereof or an abbreviation thereof of a party which is qualified to nominate candidates by primary election.

Sec. 19. 21 MRSA § 492, sub-§ 3, as last amended by PL 1971, c. 65, § 13, is repealed and the following enacted in place thereof:

3. How signed. It must be signed personally by the voter using one of the following combinations: First name, middle name, surname; first name, middle initial, surname; first initial, middle name, surname; or if no middle name, first name and surname.

Sec. 20. 21 MRSA § 492, sub-§ 5, 1st sentence, as amended by PL 1975, c. 520, § 1, is further amended to read:

It must be signed by a number of voters equal to at least 3%, but not more than 6%, of the number of votes cast for Governor at the last gubernatorial election in the electoral division which is to make the nomination, but in no case less than 25.

Sec. 21. 21 MRSA § 492, sub-§ 9, as repealed and replaced by PL 1975, c. 520, § 2, is amended to read:

9. **Declaration of candidacy.** A person who seeks nomination by petition must file a signed declaration of candidacy with the Secretary of State by or before 5 p.m. on April 1st of the election year in which ~~he or she~~ such person will be a candidate. The person filing a declaration of candidacy must include within the declaration the title of the office ~~he or she~~ such person intends to seek. Failure to file such declaration prior to 5 p.m. on April 1st will result in that ~~person being ineligible~~ person's ineligibility to be a candidate for election to that office in that calendar year.

Sec. 22. 21 MRSA § 492, sub-§ 11, as last amended by PL 1971, c. 544, § 68, is further amended to read:

11. **Petition void.** A nomination petition on file after ~~9 p.m.~~ 5 p.m. on the date of primary election which does not meet the requirements of subsections 1, 5, 6, 8, 9 or 10 is void.

Sec. 23. 21 MRSA § 494, sub-§ 1, as last amended by PL 1971, c. 544, § 70, is further amended to read:

1. **Limitation.** Corrections or additional signatures may not be submitted after ~~9 p.m.~~ 5 p.m. on the date of primary election.

Sec. 24. 21 MRSA § 494, sub-§ 2, as last amended by PL 1971, c. 544, § 72, is repealed and the following enacted in place thereof:

2. **Challenge of validity of petitions.** Anyone desiring to challenge the validity of a nomination petition shall notify the Secretary of State of such challenge in writing by or before 5 p.m. on the 7th day after the date of the primary election. Such written notice shall set forth the reasons for the challenge.

Sec. 25. 21 MRSA § 532, 1st sentence is amended to read:

~~In May of~~ Not later than May 1st of each general election year, the municipal officers of each municipality shall appoint as election clerks for each voting place an equal number of persons nominated by the municipal committees of the 2 major parties.

Sec. 26. 21 MRSA § 604, sub-§ 2, 2nd sentence, as enacted by PL 1975, c. 165, § 2, is amended to read:

In municipalities in which one or more voting places and the office of the clerk are inaccessible to elderly and physically handicapped voters and in which one or more voting places is accessible to such voters, the municipal officers shall designate ~~an accessible voting place, if available~~ one of such accessible voting places, as centrally located as possible, as the alternative

voting place for elderly and physically handicapped voters who reside in voting districts which do not have accessible voting places.

Sec. 27. 21 MRSA § 633, as amended by PL 1973, c. 414, § 29, is amended to read:

§ 633. —change of

The hourly schedule established by ~~sections~~ section 631 and 632 may be changed by the municipal officers according to the needs of the municipality. The municipal officers shall establish an hourly schedule for the days for registration at a special election prescribed by section 632.

Sec. 28. 21 MRSA § 634, first ¶, is amended to read:

The registrar shall publish ~~his~~ the time schedule and hourly schedules established by pursuant to sections 631 and 632, or as changed by the municipal officers, in a newspaper having general circulation in the municipality at a reasonable time at least 7 days before it becomes effective.

Sec. 29. 21 MRSA § 701, sub-§ 2, ¶ H, as enacted by PL 1973, c. 160, § 3, is repealed and the following enacted in place thereof:

H. Name printed. The name of each nominee shall appear on the ballot as follows: Surname first, in block capital letters, followed by the first name and middle name or initial; or surname first in block capital letters, followed by the first name or the first initial and the middle name.

Sec. 30. 21 MRSA § 702, sub-§ 2, ¶ I, as enacted by PL 1973, c. 160, § 7, is repealed and the following enacted in place thereof:

I. Name printed. The name of each nominee shall appear on the ballot as follows: Surname first, in block capital letters, followed by the first name and middle name or initial; or surname first, in block capital letters, followed by the first name or first initial and the middle name.

Sec. 31. 21 MRSA § 704, sub-§ 3 is amended to read:

3. Clerk to post. The clerk shall post or cause to be posted a specimen ballot at least 7 days before the election in a conspicuous, public place in each voting district.

Sec. 32. 21 MRSA § 706, sub-§ 5, as last amended by PL 1973, c. 60, is repealed and the following enacted in place thereof:

5. Separate ballot box for constitutional amendments and referenda. A municipality having 5,000 or more inhabitants, except where such municipality uses voting machines or electronic voting systems, shall, and a municipality with fewer inhabitants may, by vote of its municipal officers, use separate ballot boxes at elections for deposit of votes on constitutional amendments and referenda. The municipal officers shall notify the Secretary of State of such action at least 60 days before the date of the election at which such separate ballot boxes are to be used. If such separate ballot boxes are to be used, they shall be subject to all the provisions relating to official ballot boxes, as provided in this section. They may be furnished by the Secretary of State at the expense of the municipality.

Sec. 33. 21 MRSA § 801, sub-§ 1, first sentence, is amended to read:

Before the opening of the polls, the clerk shall deliver or cause to be delivered the election materials marked for each voting place to the warden at that voting place.

Sec. 34. 21 MRSA § 802, is repealed and the following enacted in place thereof:

§ 802. Certified voting list and official ballot box

The certified copies of the voting list provided by the registrar and official ballot boxes shall be used exclusively at each voting place.

Sec. 35. 21 MRSA § 862 is repealed and the following enacted in place thereof:

§ 862. Assistance

A voter who is unable to read or mark his ballot because of blindness or other physical disability or because of illiteracy or whose religious faith prevents him from marking the ballot may obtain assistance in marking the ballot from 2 election officials or from the voter's father, mother, brother, sister, husband, wife, son or daughter, as selected by the voter, or from a person selected by the voter with the approval of an election official, provided that such aide is of voting age and that no candidate for election shall act as aide. When the assistance of election officials is requested, the warden shall designate 2 election officials representing different political parties, but, in primary elections representing the same political party as the voter. When 2 such election officials assist a voter, they shall mark the ballot or assist the voter in doing so without attempting to influence his vote. They shall write on the outside of the ballot that it was marked by them or by the voter with their assistance and shall sign their names. When an aide, as described in this section, assists a voter, the warden shall write on the outside of the ballot that it was marked by such aide or by the voter with such aide's assistance and shall write the aide's name. In addition, the aide shall sign his name.

Sec. 36. 21 MRSA § 1062, sub-§ 4 is enacted to read:

4. Provided by municipality. In those municipal voting districts using electronic voting systems, the municipal officers of each municipality shall provide at least one voting device for each 250 voters qualified to vote at each voting place.

Sec. 37. 21 MRSA § 1081, 2nd sentence, as enacted by PL 1967, c. 464, is amended to read:

Any person who before, during or after an election tampers with or willfully injures any voting device, ballot cards, or other records or equipment used in the election, or interferes or attempts to interfere with the correct operation of such device or equipment or the secrecy of voting, is guilty of a felony, and upon conviction shall be punished by a fine of not more than \$1,000 or by imprisonment in the State Prison for not more than one year, or by both Class D crime.

Sec. 38. 21 MRSA § 1211, 2nd sentence, as enacted by PL 1973, c. 199, § 1, is amended to read:

After the time for completion of recounts following any election has elapsed, and on request of any ~~registered voter~~ person, the clerk of any municipality or the Secretary of State, or both, shall produce any checklists in his custody.

Sec. 39. 21 MRSA § 1253, sub-§ 2, as last amended by PL 1975, c. 684, is repealed and the following enacted in place thereof:

2. **Application or request received.** On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall send or deliver an absentee ballot and return envelope forthwith to the applicant or to a 3rd person designated in the application or request. The clerk shall include a ballot application to be completed by the person who signed only a written request. The clerk shall type or write in ink the name and the legal address of the person for whom the absentee ballot is intended in the upper left hand section of all return envelopes.

If the clerk receives a duplicate application from a person from whom the clerk has received a return envelope apparently containing an absentee ballot, the clerk shall not furnish another absentee ballot for such person.

The clerk may issue a 2nd absentee ballot to an applicant if the applicant in person or in writing requests one and:

A. If such applicant states good cause, including but not limited to loss of, spoiling of or damage to the first absentee ballot; or

B. If an absentee ballot for such applicant which was furnished to a designated 3rd person is returned to the clerk's office within 5 business days of the date such ballot was sent or delivered to such 3rd person or by 10 a.m. on the day before election day, whichever is earlier. This paragraph shall not apply to absentee ballots furnished to such 3rd persons during the 5 business days next prior to election day.

Sec. 40. 21 MRSA § 1253, sub-§ 3, as last amended by PL 1975, c. 387, § 3, is amended by adding at the end the following new sentence:

The clerk shall submit such list to the registrar for certification before the close of business on the day prior to election day.

Sec. 41. 21 MRSA § 1254, sub-§ 3 is amended to read:

3. **No communication.** There ~~must~~ shall be no communication between the voter and the official as to the person or party for whom the voter is to vote, except as provided in subsection 6.

Sec. 42. 21 MRSA § 1254, sub-§ 6 is repealed and the following enacted in place thereof:

6. **Assistance.** A voter who is unable to read or to mark his ballot because of blindness or other physical disability or because of illiteracy or whose religious faith prevents him from marking the ballot may request one of the officials listed in subsection 1 or the voter's father, mother, brother,

sister, husband, wife, son or daughter as the voter may select, provided that such aide is of voting age, to read the ballot to him and mark it according to the voter's instructions or to assist the voter in marking the ballot. The official may, at the request of such voter, complete and sign the affidavit on the envelope. When such official or such an aide assists a voter in this way, the official shall write on the envelope that he or an aide marked the ballot or assisted the voter in marking the ballot and, if an aide, shall write the aide's name. In addition, the aide shall sign his name.

Sec. 43. 21 MRSA § 1254, sub-§ 7, as enacted by PL 1973, c. 32, is repealed.

Sec. 44. 21 MRSA § 1256, sub-§ 2, 1st sentence, is amended to read:

He shall compare the signature of the voter on the application, where required, with that on the corresponding return envelope.

Sec. 45. 21 MRSA § 1256, sub-§ 3, 1st sentence is amended to read:

~~He~~ The clerk shall attach each application, where required, to the corresponding envelope.

Sec. 46. 21 MRSA § 1256, sub-§ 4, as repealed and replaced by PL 1973, c. 625, § 113, is amended to read:

4. Lists prepared. The clerk shall prepare in duplicate lists by districts of the names and addresses of the voters as shown on the return envelopes; he shall maintain a copy for a period of ~~4 years which~~ 2 years, and such copy shall be a public record.

Sec. 47. 21 MRSA § 1256, sub-§ 5, 1st sentence, as last amended by PL 1973, c. 782, § 13, is further amended to read:

On election day, ~~he~~ the clerk shall deliver or cause to be delivered the return envelopes prescribed by section 1255 with the applications, where required, attached and the list required by subsection 4 to the warden of the voting district in which the voter is registered, except in those municipalities where the municipal officers have authorized the clerk to process absentee ballots.

Sec. 48. 21 MRSA § 1256, sub-§ 6, as enacted by PL 1973, c. 414, § 50, is amended by adding at the end a new sentence to read:

The ballots shall be counted publicly so that those present may observe the proceedings.

Sec. 49. 21 MRSA § 1259, sub-§ 2, 1st sentence, is amended to read:

If the warden finds that the signatures appear to have been made by the same person and that the affidavit is properly completed, or if no application was required, he shall examine the checklist to determine whether the voter voted in person at the election.

Sec. 50. 21 MRSA § 1259, sub-§ 3, 1st sentence, is amended to read:

If the warden finds that the signatures do not appear to have been made by the same person, in cases where an application is required, that the affidavit

is not properly completed, that the person is not registered, or enrolled where necessary, that the voter has voted in person or that the ballot was received by the clerk after the deadline, he shall not open the envelope.

Sec. 51. 21 MRSA § 1259-A, sub-§ 1, as enacted by PL 1973, c. 414, § 51, is amended to read:

1. **Envelopes and lists retained.** The clerk shall retain ~~in~~ his possession of return envelopes with the applications attached, **where required**, and the list required by section 1256, subsection 4.

Sec. 52. 21 MRSA § 1261 as last amended by PL 1975, c. 270, is amended by adding at the end the following new sentence:

The following information must be contained on the envelope in order for the ballot to be accepted: Voter's name and legal address typed or written in ink by the clerk in the upper left-hand corner; voter's signature; voter's reason for voting absentee; and certifying official's signature.

Sec. 53. 21 MRSA § 1262, first sentence is amended to read:

As soon as the ballots have been counted, the applications **where required**, absentee ballots, return envelopes, lists required by section 1256 and other election materials shall be repacked in accordance with section 926 and returned to the clerk.

Sec. 54. 21 MRSA § 1443, sub-§ 1, is repealed and the following enacted in place thereof:

1. **Municipal committee.** Such choices concerning the office of Representative to the Legislature shall be made by a municipal committee when a Representative District consists of one municipality, by a joint meeting of municipal committees when a Representative District consists of 2 or more municipalities, or by members of a municipal committee or committees residing within a Representative District when such Representative District includes a part of a municipality or parts of different municipalities.

Sec. 55. 21 MRSA § 1475, first sentence, is amended to read:

A candidate for nomination or a nominee chosen to fill a vacancy must file a final campaign report as prescribed by section 1307 with the ~~Secretary of State~~ **Commission on Governmental Ethics and Election Practices** within 15 days after his appointment.

Sec. 56. 21 MRSA § 1577, sub-§ 1, as amended by PL 1973, c. 199, § 2, is further amended to read:

1. **Exceptions.** Ballots, absentee ballot application and absentee ballot envelopes are not public records and may be inspected only in accordance with this Title.

Sec. 57. 21 MRSA § 1579, 1st ¶ is repealed and the following enacted in place thereof:

The commission of any act described in this section is a Class E. crime.

Sec. 58. 21 MRSA § 1580, 1st ¶ is repealed and the following enacted in place thereof:

The commission of any act described in this section is a Class D crime.

Sec. 59. 21 MRSA § 1581 is enacted to read:

§ 1581. Field examiner

The Secretary of State may appoint a field examiner whose duties shall consist primarily of instructing and assisting municipal election officials in relation to their administration of provisions of Title 21 and shall include the training of municipal election officials prior to primary and general elections within the State.

Sec. 60. 21 MRSA § 1622, sub-§ 4, 2nd sentence, is amended to read:

If an applicant ~~has been~~ is a resident of the district for 3 months and meets the requirements of the Constitution, Article II, section I, the registration commissioner may permit ~~him~~ such applicant to register as a voter and enroll as a member of any political party.

Sec. 61. 30 MRSA § 105-J, as enacted by PL 1973, c. 149, § 1, is amended to read:

§ 105-J. Creation of Oxford County Commissioner Districts

Oxford County shall be divided into the 3 following districts:

Commissioner District number 1, consisting of the municipalities and unorganized townships of Albany Township, Andover, Andover West Surplus Township, Bachelors Grant Township, Bethel, Brownfield, Denmark, Fryeburg, Gilead, Grafton Township, Hanover, Hiram, Lovell, Mason Township, Milton Township, Newry, Norway, Porter, Riley Township, Stoneham, Stow, Sweden, Upton, Waterford;

Commissioner District number 2, consisting of the municipalities and unorganized townships of Adamstown Township, Andover North Surplus Township, Bowmantown Township, C Surplus Township, Lincoln Plantation, Lower Cupsuptic Township, Lynchtown Township, Magalloway Plantation, Oxbow Township, Parkerstown Township, Parmachenee Township, Richardson Town Township, Township C, Upper Cupsuptic Township, Byron, Mexico, Roxbury, Rumford, ~~Milton Township~~;

Commissioner District number 3, consisting of the municipalities of Buckfield, Canton, Dixfield, Greenwood, Hartford, Hebron, Oxford, Paris, Peru, Sumner, West Paris and Woodstock.

Members of the board of commissioners shall be residents of the Commissioner District for which they are elected and shall be elected by the residents of that district.

Sec. 62. 30 MRSA § 2061, sub-§ 3, 1st sentence is repealed and the following enacted in place thereof:

The nomination for any office shall be made by nomination papers signed by the following number of voters based on the population of the town accord-

ing to the last Decennial Census of the United States: Not less than 3 nor more than 10 in towns of 200 or less population; not less than 10 nor more than 25 in towns of 201 to 500; not less than 25 nor more than 75 in towns of 501 to 4,000; not less than 75 nor more than 125 in towns of 4,001 to 10,000; and not less than 100 nor more than 150 in towns of more than 10,000.

Sec. 63. 30 MRSA § 206I, sub-§ 5, ¶ C is repealed and the following enacted in place thereof:

C. Any question or questions required by statute to be submitted to a vote shall be printed either below the list of candidates or on a separate ballot from the ballot listing candidates. If a separate ballot is used, this ballot shall also be of a different color than the ballot listing candidates.

Sec. 64. 34 MRSA § 11 is enacted to read:

§ 11. Posting of political material in institutions

The chief administrative officer of each state hospital or institution, the Warden of the State Prison and the Superintendents of the Men's Correctional Center and the Women's Correctional Center shall each provide in at least one accessible area in each such institution an appropriate space for the posting of written political material sent for such purpose to that officer, warden or superintendent by candidates for state office or federal office in this State. Written political material means flyers, handbills or other nonperiodical publications, which shall be subject to the restrictions set forth in Title 21, chapter 35.

No more than one such item shall be posted in one place on behalf of any one such candidate. Such material shall be removed after the elections for which it is intended for use. If there is a voting place within the institution, such posting space shall not be located within 250 feet of the entrance to the voting place. The posting of material pursuant to this section shall not be considered a violation of Title 21, section 1575-A or of Title 21, section 1579, subsection 17-A.

Sec. 65. PL 1975, c. 684 is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that section 25 shall take effect January 1, 1977.

STATEMENT OF FACT

The purpose of the new draft is to clarify a number of sections in the bill and to add a number of new sections.

The following is a section-by-section analysis of the bill.

Sections 1 and 2. These sections clarify the voting procedures used by School Administrative Districts and cooperative boards of vocational regions.

Sec. 3. The definition of "county office" is updated to eliminate clerks of

the Superior Court who are no longer elected and to include the new office of district attorney in place of county attorney.

Sec. 4. The definition of residence now used in Title 21, section 1, subsection 35, refers to domicile, a term which is not used elsewhere in the election laws. The bill would tie the definition to the terms of Title 21, section 242, the recently enacted provisions on voting residence.

Sec. 5. The burdensome requirement of a written statement from a physician would be removed from the procedure for registration and enrollment of a disabled person.

Sec. 6. The registration and enrollment of a disabled person would be subject to the time schedule on a regular registration and enrollment set forth in Title 21, section 631.

Sec. 7. In the present law, the registrar is allowed 10¢ per mile for travel in the procedure for registration of disabled persons. The bill would allow the registrar the same travel expenses as other municipal employees.

Sec. 8. This section removes a provision on the form in which a name is to be placed on the voting list, a provision which referred only to women and which required a married woman to be recorded by her married surname. The Attorney General has ruled that a married woman may register under whatever surname she customarily uses. This section would follow that ruling and would apply the provision on form to men also, since there has been no provision for the form of their names in registration. There are similar provisions on the form for names in sections 9, 14, 19, 29 and 30 to make the election laws consistent in this respect.

Sec. 9. This section clarifies the information required on voter registration cards.

Sec. 10. This section clarifies the procedure for delivery to the registrar of an enrollment application which a voter has presented at the polling place on an election day.

Sec. 11. A reference to the 3-month durational residency requirement, which has been declared unconstitutional and deleted elsewhere in the election laws, is removed.

Sec. 12. The requirement that the clerk furnish the registrar, on request, with a list of deceased voters is changed to furnishing a list of simply the deceased since the clerk does not know which of the deceased were registered voters.

Sec. 13. This section would permit notices of removal from the voting list to be sent by ordinary mail instead of the more expensive certified mail. The amount of time for the voter to reply to such a notice is reduced from 60 days to 30 days, which is still sufficient. This section also corrects a reference to gender and changes a reference to the reply period. This section concerns the registrar's response to the voter's reply. It changes a time limit from "a reasonable time" to a specific "14 days."

Sec. 14. The information to be stated in the general register of voters is changed to correspond to the information required upon registration, in section 8.

Sec. 15. The language on the procedure for obtaining voting list copies for municipal caucuses is clarified by this section.

Sec. 16. This section removes a 2nd method of calculating the number of signatures required for a primary petition. This method is never used because it is not practical to determine how many party members voted in a general election.

Sections 17, 22, 23 and 24. These all change certain hourly deadlines for filing petitions or other items with the Secretary of State from 9 p.m. to 5 p.m. The present law requires payments for overtime which is not really necessary. The language of section 24 also clarifies this provision.

Sec. 18. Section 18 allows political designations, not exceeding 3 words and not including the name of an established party, to be used on the nomination petition of a nonparty candidate, at such candidate's choice. Such designations were formerly required. They cannot be used on the ballot, according to a ruling of the Attorney General, although they were incorrectly placed on the ballot in the past.

Sec. 19. Refers to analysis of section 8.

Sec. 20. A maximum limit is placed on the number of signatures allowed on a nomination petition in addition to the existing minimum. This would correspond to requirements for other petitions and would keep the Secretary of State's office from being burdened with excess signatures.

Sec. 21. This section corrects the wording of the law.

Sec. 25. Section 25, which would not take effect until January 1, 1977, clarifies the date for appointment of election clerks by specifying May 1st instead of the month of May and thereby allows more time for training such persons.

Sec. 26. The provision on accessible voting places for the elderly and handicapped is amended so that it will be clear that there is no need to change any existing voting place.

Sec. 27. Title 21, section 632 does not now contain an hourly schedule although section 633 refers to one. This amends section 633 to provide for establishment of such a schedule.

Sec. 28. This section clarifies the requirements on publishing a notice of the day and hourly schedules for registration and provides for a specific 7 days instead of "a reasonable time."

Sections 29 and 30. Refer to analysis of section 8.

Sec. 31. This section makes clear that a clerk may delegate the duty of physically posting a specimen ballot.

Sec. 32. This reduces the population limits over which this section of the law applies, from 7,500 to 5,000 establishes an exception to the requirement for

municipalities that have voting machines or electronic devices and simplifies the procedure.

Sec. 33. As in section 31, the clerk's authority to delegate a function is clarified.

Sec. 34. The wording on providing "official ballot boxes" at the polls is clarified.

Sec. 35. The provisions on providing assistance at the polling place are clarified. The provisions for blind and otherwise disabled voters are made the same. These are no different, for no apparent reason other than that the provisions were enacted at different times. In addition, the same procedure would apply to illiterate voters. There are no provisions for them now.

Sec. 36. This would require one electronic voting device for each 250 voters in each municipality that uses these. There is already a similar requirement for voting machines in Title 21, section 1031, subsection 4. The population figure used is different because the device is different.

Sec. 37. This conforms one of the criminal provisions to the terminology of the criminal code, Title 17-A.

Sec. 38. This amendment would allow any person, and not just a registered voter, to obtain a copy of a checklist, in keeping with other "right-to-know" laws.

Sec. 39. This section repeals and replaces a subsection on the furnishing of absentee ballots, for the purposes of clarifying the language of the subsection and of making certain changes, as follows:

The section would require the legal address of the voter to be on the absentee ballot return envelope, to aid in reviewing these ballots.

Under present law, a clerk must issue as many absentee ballot applications as requested for the same person, although only the first ballot received is counted. This section would add a provision that additional applications that are requested not be sent out if the clerk has already received from that voter a return envelope apparently containing an absentee ballot.

The section incorporates an amendment to the subsection which has been enacted in this session as chapter 684 of the Public Laws. Chapter 684 is repealed by section 65 of this bill. This provision would prevent a 2nd absentee ballot from being issued for the same person, without good cause.

This section adds a provision relating to absentee ballots furnished to 3rd persons. If such ballots are not returned within 5 days of issuance or by 10 a.m. on the day before the election, the clerk may issue a 2nd ballot for such person, upon application.

Sec. 40. In the regular session, the Legislature enacted a provision (Title 21, section 1253, subsection 5) allowing a person to vote by absentee ballot in the clerk's office, without having to complete an application. The clerk was to keep a list of such persons. This section clarifies this new procedure by re-

quiring the clerk to send the list to the registrar, before election day, for certification that the persons on the list are registered voters. This corresponds to the procedure (Title 21, section 1253, subsection 4) under which the registrar checks all absentee ballot applications.

Sec. 41. This corrects the provision which places an absolute ban on communication about the vote during the absentee ballot process with an exception by reference to the provision of assistance for disabled and illiterate persons.

Sec. 42. This provision is very similar to section 35. It clarifies and makes consistent the procedure for providing assistance to blind or otherwise disabled persons who vote by absentee ballot and also adds illiterate persons to this procedure.

Sec. 43. This repeals a provision on assistance to blind absentee voters. The provision is incorporated into Section 42.

Sections 44, 45, 47, 49, 50, 51 and 53. These sections all clarify the procedure for handling absentee ballots that are cast in the clerk's office without an application (see section 40). These sections all made reference to the fact that some absentee ballots will not have an application attached during the counting process.

Sec. 46. This section reduces the length of time that a clerk must maintain a copy of a list of absentee voters at an election, from 4 years to 2 years.

Sec. 48. When absentee ballots are counted at a centralized place, the count shall be conducted publicly as other counts are, according to this section.

Sec. 52. This establishes the information that must be on an absentee ballot envelope for the ballot to be accepted. The present law refers to immaterial irregularities, with little definition.

Sec. 54. The section of the law that would be repealed concerns the choice of a candidate to fill a vacancy on a ticket when the original candidate has died or withdrawn. This new provision is necessitated by the recent redistricting of the House of Representatives and clarifies which political committees make such a choice.

Sec. 55. A reference to the new Commission on Governmental Ethics and Election Practices is clarified.

Sec. 56. Under this section, absentee ballot applications and envelopes would not be public records like other public documents, but would be examined only in accordance with the procedures of the election laws. Ballots are already treated this way, and this section would in effect extend to absentee ballots the full protection of privacy of the ballot.

Sec. 57 and 58. As in Section 37, the criminal penalty provisions are made to conform to Title 17-A.

Sec. 59. The Secretary of State would be authorized to appoint a field examiner, as described. No appropriation is necessary because this position

would be paid for out of current funds and, later, out of future appropriations for the Department of the Secretary of State.

Sec. 60. This section relates to Indian voting districts, and would remove an inconsistency in the law, a reference to the unconstitutional 3-month durational residency requirement, as Section 1 also would.

Sec. 61. The amendment would transfer Milton Township from Commissioner District No. 2 to No. 1, Oxford County. Because of the legislative district involved, the change would make the ballot easier and less expensive to prepare.

Sec. 62. This section amends the provision establishing the number of signatures required on nomination papers for town office in towns that have accepted the secret ballot. It reduces the amount required in towns of 500 or less population and thereby in effect allows such towns to adopt the secret ballot.

Sec. 63. The requirement that referendum questions in municipal elections be printed on the same ballot is repealed. The new provision would require a separate ballot, of a different color, to simplify the process.

Sec. 64. This provision would establish a procedure for the posting of political advertising in certain institutions run by the Department of Mental Health and Corrections.

Sec. 65. Refers to analysis of Section 39.