

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 235

H. P. 183

House of Representatives, January 31, 1979

Referred to the Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brenerman of Portland.

Cosponsors: Mrs. Nelson of Portland, Mr. Diamond of Windham, Mr. Garsoe of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters.**

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

Sec. 1. 1 MRSA § 353, as amended by PL 1973, c. 625, § 3, is repealed and the following enacted in its place:

§ 353. Explanation of proposed amendments

1. Preparation. The Attorney General shall prepare a brief explanatory statement of each constitutional resolution or statewide referendum that may be presented to the people.

2. Contents. This explanatory statement shall contain the text of each proposed constitutional resolution or statewide referendum and shall fairly describe the intent and content of each constitutional resolution or statewide referendum.

3. Publication. The Attorney General shall cause this explanatory statement to be published in each daily newspaper of the State:

A. Not more than 45 days and not less than 30 days prior to the voting; and

**B. Not more than 10 days and not less than 2 days prior to the voting.**

This explanatory statement shall be located in each newspaper as close to the front page as practicable, shall be appropriately headlined in large, boldfaced type and shall be printed in type at least as large as the type normally used by the newspaper in its news columns.

The Attorney General, before publishing this explanatory statement in a foreign language newspaper, may have this explanatory statement translated into the appropriate foreign language and may then publish that translation in the newspaper.

4. Posters of explanatory statement. The Attorney General shall make a sufficient number of posters of this explanatory statement for copies to be posted in each voting place in the State. He shall furnish the Secretary of State with these posters sufficiently before the appropriate election date to permit the Secretary of State to comply with his duties under Title 21, section 601.

Sec. 2. 21 MRSA § 601, first ¶, as amended by PL 1969, c. 35, § 10, is further amended to read:

Within a reasonable time before any election, the Secretary of State shall furnish each municipality with ballots, specimen ballots, instruction posters, posters of the Attorney General’s explanatory statement prepared under Title 1, section 353, election return forms and other materials necessary for conducting and reporting the results of the election.

Sec. 3. 21 MRSA § 801, sub-§ 2, first sentence, as amended by PL 1973, c. 782, § 10, is further amended to read:

At any time after receipt thereof and prior to the opening of the polls, the clerk may open the packages or boxes of election materials, break the seals on the packages not marked “ballots,” use the materials for instructional purposes, and then the clerk or his designated agents shall post an adequate number of instruction posters, posters of the Attorney General’s explanatory statement prepared under Title 1, section 353, and specimen ballots in the voting room outside the guardrail.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
ATTORNEY GENERAL, DEPARTMENT OF		
All Other	\$12,000	\$12,000

STATEMENT OF FACT

The last general election showed widespread dissatisfaction with the information available to voters on proposed constitutional amendments and on statewide referenda. Voters felt that the amendments and referenda were

complex and that they had not had the opportunity to educate themselves on the issues on which they were supposed to vote.

The Attorney General is now required, by statute, to prepare an explanatory statement on proposed constitutional resolutions and statewide referenda and to publish it in each daily newspaper. However, the costs of this publication have resulted in this explanatory statement appearing in small type in the legal notices' section of the newspaper, where few voters read it. The Secretary of State has also published 2,000 copies of this explanatory statement but the small number is obviously insufficient to fill the statewide need.

This bill will help to bring the Attorney General's explanatory statement to the attention of voters. It requires the Attorney General to publish the explanatory statement in a prominent place in each daily newspaper in the State. It also requires him to prepare posters of this explanatory statement for the Secretary of State to distribute to each voting place for posting on election day. The bill also appropriates the funds needed to carry out these increased duties. This combination of prominent newspaper advertising and posters in each voting place should alert voters of the issues they face in voting on constitutional amendments and statewide referenda.