

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 241

6
7 H.P. 197

House of Representatives, January 21, 1983

8 Received by the Clerk of the House on January 21, 1983. Referred to the
9 Committee on Election Laws, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Baker of Portland.

Cosponsor: Representative Handy of Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Clarify the Election Laws.
18

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

21 Sec. 1. 21 MRSA §1, sub-§7-A is enacted to read:

22 7-A. Closed period. "Closed period" means that
23 time period when the registrar shall accept only
24 voter registration applications in person.

25 Sec. 2. 21 MRSA §102-A, sub-§1, as amended by PL
26 1981, c. 456, Pt. A, §65, is further amended to read:

27 1. Application. In addition to the procedure
28 provided by section 102, a person may register to
29 vote and enroll in a political party by completing an
30 application which shall be designed by the Secretary
31 of State, containing the following information:

- 1 A. First name, middle name or initial, and sur-
2 name, or first name or initial and middle name,
3 and surname;
- 4 B. Legal address, including street, street
5 number, apartment number, town, county and zip
6 code;
- 7 C. Mailing address;
- 8 D. Date of birth;
- 9 E. Sex;
- 10 F. Most recent prior residence where registered
11 to vote, to include name under which registered,
12 if changed, legal address and mailing address;
- 13 G. Whether a citizen by birth or naturalization:
14 If by naturalization, the date, place and court
15 of naturalization;
- 16 H. Notification that failure to complete the
17 entire application may prevent registration;
- 18 ~~I. Certification that all information is cor-~~
19 ~~rect, sworn before a notary public~~ Notification
20 that false statements are punishable by law;
- 21 J. Date of registration; and
- 22 K. Signature of applicant; and
- 23 L. Party in which enrollment is requested.

24 Sec. 3. 21 MRSA §102-A, sub-§4, as repealed and
25 replaced by PL 1973, c. 131, §1, is repealed.

26 Sec. 4. 21 MRSA §102-A, sub-§5, as enacted by PL
27 1973, c. 131, §2, is amended to read:

28 5. Enrollment. An individual may register and
29 enroll in a political party at the same time and on
30 the same application form.

31 Sec. 5. 21 MRSA §102-A, sub-§7 is enacted to
32 read:

1 7. Design of application. The Secretary of
2 State shall design the application so that it may be
3 mailed in the manner of a postcard.

4 Sec. 6. 21 MRSA §103-A, sub-§1, as reallocated
5 by PL 1977, c. 696, §176, is amended to read:

6 1. Application. A person qualified to register
7 as provided in section 241, subsections 1 to 3, who
8 is outside the United States may register by filing
9 a federal postcard application or an application
10 designed by the Secretary of State and provided by
11 the registrar, containing the following information:

12 A. First name, middle name or initial and last
13 name, or first name or initial, middle name and
14 last name;

15 B. Legal address, including street, street
16 number, apartment number, town, county and zip
17 code;

18 C. Mailing address;

19 D. Date of birth;

20 E. Last domicile immediately prior to departure
21 from the United States;

22 F. Voting precinct or election district of such
23 last domicile within the United States;

24 G. Whether a citizen by birth or naturalization;
25 if by naturalization, the date, place and court
26 of naturalization;

27 H. Notification that failure to complete the
28 entire application may prevent registration;

29 I. Passport or card of identity registration
30 number;

31 J. Signature;

32 K. ~~Certification that all information is cor-~~
33 ~~rect, sworn before a diplomatic or consular offi-~~
34 ~~cial of the United States or before the master of~~

1 a United States vessel of 1,000 tons or more
2 Notification that false statements are punishable
3 by law;

4 L. Date of application; and

5 M. Date of registration; and

6 N. Party in which enrollment is requested.

7 Sec. 7. 21 MRSA §103, sub-§2 is enacted to read:

8 2. Absentee ballot request. If a person
9 residing outside the United States uses a federal
10 postcard application to register to vote, that appli-
11 cation may also be used to request an absentee bal-
12 lot.

13 Sec. 8. 21 MRSA §104, as amended by PL 1981, c.
14 456, Pt. A, §66, is repealed and the following
15 enacted in its place:

16 §104. Applications other than before the registrar

17 Applications completed other than before the
18 registrar of voters shall be delivered to the regis-
19 trar before the closed period for the acceptance of
20 registrations in the person's municipality, to be
21 placed on the voting list prior to the next election.

22 Sec. 9. 21 MRSA §131 is repealed and the follow-
23 ing enacted in its place:

24 §131. Mention of enrollment

25 At the time a person registers, the registrar
26 shall ask him whether he wishes to enroll in a party.
27 If the answer is in the affirmative, the registrar
28 shall instruct him in completing the enrollment por-
29 tion of the application.

30 Sec. 10. 21 MRSA §201, sub-§1, as amended by PL
31 1977, c. 564, §96-A, is further amended to read:

32 1. Content of general register. The general
33 register must contain the following information con-
34 cerning each person on the voting list on index cards
35 filed alphabetically by surname:

- 1 A. First name, middle name or initial, and sur-
2 name or first name or initial, middle name and
3 surname;
- 4 B. Legal address, including street, street
5 number, apartment number, town, county and zip
6 code;
- 7 C. Mailing address;
- 8 D. Date of birth;
- 9 E. Sex;
- 10 F. Most recent prior residence where registered
11 to vote, to include name under which registered,
12 if changed, legal address and mailing address;
- 13 G. Whether a citizen by birth or naturalization:
14 If by naturalization, the date, place and court
15 of naturalization;
- 16 H. Remarks concerning registration or enroll-
17 ment; ~~and~~
- 18 I. Date of registration;
- 19 J. Signature of registrant;
- 20 K. Party in which voter is enrolled; and
- 21 L. Notification that false statements are pun-
22 ishable by law.

23 Sec. 11. 21 MRSA §362, as repealed and replaced
24 by PL 1975, c. 761, §15, is amended to read:

25 §362. Voting list

26 On request of the person or persons calling a the
27 biennial municipal caucus, made to the registrar at
28 least 5 business days in advance thereof, the regis-
29 trar shall prepare, at the expense of the municipal-
30 ity, a certified copy of the voting list for use at
31 the caucus. The secretary of the municipal committee
32 shall obtain the copy from the registrar.

1 Sec. 12. 21 MRSA §443, as repealed and replaced
2 by PL 1977, c. 425, §1, is amended to read:

3 §443. Qualification for state and county office

4 A candidate for ~~the office of Presidential Elec-~~
5 ~~tor or for~~ any county office must be a resident of
6 and a voter in the electoral division he seeks to
7 represent on the date established for filing primary
8 petitions in the year he seeks election. and He must
9 maintain this a voting residence in that electoral
10 division during his term of office.

11 Sec. 13. 21 MRSA §492, as amended by PL 1977 c.
12 564, §98, is further amended to read:

13 §492. Qualification for state and county office

14 A candidate for the office of Presidential Elec-
15 tor or for any county office must be a resident of
16 and a voter in the electoral division he seeks to
17 represent on the date established for filing nomina-
18 tion petitions in the year he seeks election. and He
19 must maintain this a voting residence in that elec-
20 toral division during his term of office.

21 Sec. 14. 21 MRSA §701, sub-§2, ¶A, as amended by
22 PL 1973, c. 160, §1, is further amended to read:

23 A. Instructions printed. The following instruc-
24 tions must be printed in bold type at the top of
25 the ballot: "MAKE A CROSS (X) OR A CHECK MARK ()
26 IN THE SQUARE AT THE LEFT OF THE NAME OF THE CAN-
27 DIDATE FOR WHOM YOU WISH TO VOTE. ~~FOLLOW DIREC-~~
28 ~~TIONS AS TO THE NUMBER OF CANDIDATES TO BE NOMI-~~
29 ~~NATED FOR EACH OFFICE.~~ YOU MAY VOTE FOR A PERSON
30 WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRIT-
31 ING IT OR PASTING A STICKER WITH ~~HIS~~ THE PERSON'S
32 NAME AND MUNICIPALITY OF RESIDENCE ON IT IN THE
33 PROPER BLANK SPACE, AND MARKING A CROSS (X) OR A
34 CHECK MARK () IN THE PROPER SQUARE AT THE LEFT.
35 DO NOT ERASE NAMES." NAMES WRITTEN IN OR ON
36 STICKERS MUST SHOW THE MUNICIPALITY OF RESIDENCE
37 OF EACH WRITE-IN CANDIDATE.

38 Sec. 15. 21 MRSA §702, sub-§2, ¶C, as amended by
39 PL 1973, c. 160, §5, is further amended to read:

1 C. Further instructions. The following instruc-
2 tions must be printed in bold type at the top of
3 the ballot: "MAKE A CROSS (X) OR A CHECK MARK ()
4 IN THE SQUARE AT THE LEFT OF THE NOMINEE FOR WHOM
5 YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE
6 NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE-
7 YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT
8 APPEAR ON THE BALLOT BY WRITING IT AND THE
9 PERSON'S MUNICIPALITY OF RESIDENCE IN THE PROPER
10 BLANK SPACE AND MARKING A CROSS (X) OR A CHECK
11 MARK () IN THE PROPER SQUARE AT THE LEFT. DO NOT
12 ERASE NAMES." NAMES WRITTEN IN MUST SHOW THE
13 MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDI-
14 DATE-

15 Sec. 16. 21 MRSA §1033, as amended by PL 1973,
16 c. 585, §12, is repealed.

17 Sec. 17. 21 MRSA §1045 is amended to read:

18 §1045. Challenge of right to vote

19 A voter who is challenged in a voting precinct
20 where voting machines are used may not use the voting
21 machine for casting his vote but must use an official
22 absentee voting paper ballot.

23 Sec. 18. 21 MRSA §1048, sub-§3 is amended to
24 read:

25 3. Counter totals preserved. The totals shown on
26 the counters of a voting machine must be retained for
27 3 2 months after the election at which it is used.

28 A. Exception. If the occurrence of another elec-
29 tion makes it imperative to remove the counter
30 totals within 3 2 months after an election, the
31 clerk shall have them photographed in his pres-
32 ence, and in the presence of the warden and an
33 election clerk of a different party. The warden
34 shall make a statement showing the number and
35 counter totals of each machine as it is photo-
36 graphed. He shall sign the statement, have it
37 attested and deliver it to the clerk who shall
38 record it. As soon as the photographs are printed
39 legibly, the clerk shall remove the totals, and
40 retain the photographs for the balance of the

1 ~~3-month~~ 2-month period. If the machines were
2 equipped with a device or devices which had pro-
3 duced a printed or photographed record of the
4 vote shown on the candidate and question
5 counters, the clerk shall remove the totals and
6 retain the printed or photographed record for the
7 balance of the ~~3-month~~ 2-month period.

8 Sec. 19. 21 MRSA §1252, first ¶, as repealed and
9 replaced by PL 1975, c. 623, §24-C, is amended to
10 read:

11 At least 3 months before any election, the Secre-
12 tary of State shall furnish each municipality with a
13 reasonable number of ~~dated~~ absentee ballot applica-
14 tions. A reasonable time before any election, the
15 Secretary of State shall furnish each municipality
16 with a reasonable number of absentee ballots and
17 return envelopes.

18 Sec. 20. 21 MRSA §1252, sub-§2, as amended by PL
19 1981, c. 436, §3, is further amended to read:

20 2. Content of application. The application must
21 contain a place for the following: Name of applicant,
22 address, address to which ballot is to be sent, ~~title~~
23 ~~and year of election at which ballot is to be cast,~~
24 name of party in which he is or desires to be
25 enrolled, date of application and signature of appli-
26 cant. It must contain a place for the applicant to
27 designate the reason for requesting an absentee bal-
28 lot, the name of a person to whom his ballot may be
29 delivered and a place for the registrar to certify
30 whether the applicant is registered and the party in
31 which he is or desires to be enrolled. It shall con-
32 tain a conspicuously-printed summary warning of the
33 provisions of Title 17-A, section 703.

34 Sec. 21. 21 MRSA §1442-A, as enacted by PL 1977,
35 c. 496, §35, is amended to read:

36 §1442-A. Candidacy by nomination petition

37 The nomination of a candidate or nominee, other
38 than by party, to fill a vacancy shall be made by
39 nomination petition. The nomination process shall be
40 in the same manner as provided by chapter 17, except

1 all petitions shall be filed by 5 p.m. on the latest
2 date ~~of~~ established in the Governor's proclamation as
3 provided in sections 1471, 1473, 1474, 1501, 1502,
4 1531, 1532 and 1533 for the meeting of the appropri-
5 ate political committees to fill the vacancy or,
6 where a special election is to be held, by 5 p.m. of
7 the date specified in the proclamation for filing by
8 party candidates for the special election.

9 Sec. 22. 21 MRSA §1444, first ¶ is amended to
10 read:

11 A special election must be ~~notified~~ publicized
12 and conducted as nearly as practicable like its
13 regular counterpart.

14 Sec. 23. 21 MRSA §1472, first ¶ is amended to
15 read:

16 If a person nominated for United States Senator,
17 Representative to Congress or Governor at a ~~regular~~
18 primary election dies, withdraws or becomes disquali-
19 fied at least 60 days before the general election,
20 the Governor shall issue a proclamation.

21 Sec. 24. 21 MRSA §1473, first ¶ is amended to
22 read:

23 If a person nominated for United States Senator,
24 Representative to Congress or Governor at a ~~regular~~
25 primary election or by a political committee dies,
26 withdraws or becomes disqualified less than 60 days
27 before the general election, the Governor shall issue
28 a proclamation.

29 Sec. 25. 21 MRSA §1474 is amended to read:

30 §1474. Certain nominees at any time

31 If a person nominated for an office, other than
32 United States Senator, Representative to Congress or
33 Governor, at a ~~regular~~ primary election or by a
34 political committee dies, withdraws or becomes dis-
35 qualified before the general election, the Governor
36 shall issue a proclamation as provided in section
37 1473, and the procedure outlined in section 1442 must
38 be followed.

1 Sec. 26. 21 MRSA §1578, sub-§1 is amended to
2 read:

3 1. Registration and enrollment applications. The
4 registrar shall keep registration, enrollment and
5 changes of enrollment applications and requests in
6 his office permanently, except that such records must
7 be kept only 10 years for a voter whose name is
8 removed from the voting lists of the municipality
9 under sections 171 and 172.

10 STATEMENT OF FACT

11 Section 1 defines a necessary term.

12 Sections 2, 3, 4, 5, 6, 8, 9 and 10 allow enroll-
13 ment in a political party to be recorded on the same
14 application form used for voter registration; elimi-
15 nate the necessity of having such applications nota-
16 rized when they are completed outside the office of
17 the registrar; and require that the Secretary of
18 State design the application used outside the office
19 of the registrar so that it may be easily mailed to
20 the registrar (to facilitate "postcard voter regis-
21 tration"). It is the intention of these sections to
22 simplify the registration and enrollment process.
23 Several states have eliminated their requirement for
24 "notarization" in the process of voter registration.
25 Falsifying registration information is a Class D
26 crime (Title 17-A, section 453), which provides for
27 the same penalty as that established for giving a
28 false statement under oath (Title 17-A, section 452).
29 The newly designed registration cards will carry a
30 prominent notice that false statements are punishable
31 by law.

32 Section 6 allows overseas voters registration by
33 qualified persons on a federal postcard application
34 in addition to the Secretary of State's application.

35 Section 7 allows a person who is registering to
36 vote using a federal postcard application to also use
37 that application to request an absentee ballot.

38 Section 11 defines specifically when political
39 parties may obtain free copies of the voting list.

1 Sections 12 and 13 clarify ambiguous language in
2 parallel sections of the law dealing with nomination
3 to state or county office through the primary elec-
4 tion and through the petition process by removing
5 wording that might be interpreted as requiring an
6 election official to maintain the same address during
7 his or her term of office. Section 12 also removes
8 reference to "a candidate for the office of Presi-
9 dential Elector" from chapter 15-Nomination by Pri-
10 mary Election since nominations of Presidential Elec-
11 tors is specifically excluded from coverage of the
12 chapter by section 441.

13 Sections 14 and 15 revise the instructions re-
14 quired to be printed on primary and general election
15 ballots. The new language is clearer and shorter.
16 Ballots will be easier to understand and cheaper to
17 print.

18 Section 16 repeals the law requiring a bond when
19 municipalities purchase voting machines since insur-
20 ance companies no longer issue these types of bonds.
21 A similar provision regarding electronic voting
22 devices was recently repealed.

23 Section 17 requires that a voter challenged in a
24 voting precinct which uses voting machines must cast
25 his vote on an official paper ballot instead of an
26 absentee ballot. This will avoid confusion in count-
27 ing regular ballots and absentee ballots.

28 Section 18 reduces the time which totals shown on
29 the counters of voting machines must be retained from
30 3 to 2 months to comply with the requirements for
31 keeping paper ballots.

32 Sections 19 and 20 remove the date requirement on
33 absentee ballot applications.

34 Section 21 changes the deadlines for filing peti-
35 tions for the purpose of becoming a candidate by nom-
36 ination petition to fill a vacancy. The new deadline
37 is the date set by the Governor in his proclamation
38 for the meeting of party political committees to fill
39 the vacancy or, in the case of a special election,
40 the date by which party candidates must file their
41 petitions.

1 Section 22 clarifies ambiguous language.

2 Sections 23, 24 and 25 allow replacing party
3 nominees to certain offices who are selected other
4 than at the regular primary election, i.e. at a spe-
5 cial primary election or by political committees.

6 Section 26 removes the requirement that regis-
7 trars maintain forever the records of registration,
8 enrollment and changes of enrollment for voters whose
9 names have been purged from the voting list due to
10 death, disqualification or relocation outside the
11 municipality. Records for such voters would now be
12 kept for at least 10 years.

13

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