

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1357

6  
7 H.P. 1032

House of Representatives, March 29, 1983

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

EDWIN H. PERT, Clerk

10 Presented by Representative Andrews of Portland.

Cosponsors: Senator Bustin of Kennebec and Representative Reeves of  
Pittston.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Improve and Strengthen the  
18 Referendum Process.  
19

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

22 Sec. 1. 21 MRSA §601, first ¶, as amended by PL  
23 1979, c. 534, §3, is further amended to read:

24 Within a reasonable time before any election, the  
25 Secretary of State shall furnish each municipality  
26 with ballots, specimen ballots, ballot pamphlets,  
27 instruction posters, election return forms, posters  
28 of specimen ballots for constitutional resolutions  
29 and statewide referenda, including the Attorney  
30 General's explanatory statements prepared under Title  
31 1, section 353 and other materials necessary for con-  
32 ducting and reporting the results of the election.

33 Sec. 2. 21 MRSA §702-A is enacted to read:

1 §702-A. Referenda and other ballot items requiring  
2 voter approval

3 General election ballots for propositions requir-  
4 ing voter approval shall be prepared in accordance  
5 with this section and other applicable provisions of  
6 law. For purposes of this subchapter, proposition  
7 includes any and all referenda questions and other  
8 items requiring voter approval by all voters of this  
9 State.

10 1. Form of proposition question. All proposi-  
11 tion questions shall be written in a clear and simple  
12 manner by the Secretary of State so as to be easily  
13 understood by the average voter and not be mislead-  
14 ing. The Attorney General shall review each proposed  
15 question. If he finds that it fails to comply with  
16 this subsection, he shall add a clarifying note  
17 immediately following the proposition question  
18 directly on the ballot.

19 2. Bond issues. In addition to the requirements  
20 of Title 3, section 552, and Title 5, section 152,  
21 each bond issue question shall contain an explanation  
22 identifying, clearly and specifically, the following  
23 aspects of each expenditure to be made with the pro-  
24 ceeds of that bond issue:

25 A. The amount;

26 B. The location where the expenditure is to be  
27 made; and

28 C. The purpose stated with reasonable  
29 specificity.

30 3. Order of propositions on ballot. Proposi-  
31 tions on the ballot shall be listed by the Secretary  
32 of State in the following order: People's veto ques-  
33 tions; initiated measures; bond issues; and constitu-  
34 tional amendments. Within each group, propositions  
35 shall be listed by random selection conducted in  
36 public. All propositions shall be numbered sequen-  
37 tially.

38 Sec. 3. 21 MRSA §708 is enacted to read:

1     §708. Ballot pamphlets

2             The Secretary of State shall prepare easily  
3 understandable ballot pamphlets covering all proposi-  
4 tions requiring voter approval by all voters of the  
5 State in accordance with this section.

6             1. Contents of pamphlet. The ballot pamphlet  
7 shall contain as to each proposition to be voted upon  
8 the following items in the order set forth in this  
9 subsection:

10            A. For each proposition, upon the top 1/3 por-  
11 tion of the first page dealing with that proposi-  
12 tion:

13                    (1) The identification of the proposition  
14 by number and title;

15                    (2) The official summary prepared by the  
16 Attorney General; and

17                    (3) The total number of votes cast for and  
18 against the measure in both the Senate and  
19 House, if the measure was passed by the  
20 Legislature;

21            B. The statements to be supplied by the Treasur-  
22 er of State pursuant to Title 3, section 552, and  
23 Title 5, section 152, in the case of bond issues;

24            C. A copy of the proposed statute or amendment  
25 and any existing provisions of law that would be  
26 revised or repealed if the proposition is  
27 adopted. The provisions of the proposed law  
28 shall be set forth in distinctive print to  
29 facilitate comparison with existing law;

30            D. A copy of the arguments and rebuttals for and  
31 against each proposition. Arguments for and  
32 against a measure shall appear on the next left  
33 and right facing pages and rebuttals shall be  
34 placed immediately below the argument being  
35 rebutted; and

36            E. The following statement to be printed at the  
37 bottom of each page where arguments appear:

1 "Arguments printed on this page are the opinions  
2 of the authors and have not been checked for ac-  
3 curacy by any official agency."

4 Measures shall be printed in the ballot pamphlet, as  
5 far as possible, in the same order, manner and form  
6 as they are on the ballot.

7 2. Layout and design. The Secretary of State  
8 shall use tables of contents, indexes, art work,  
9 graphics and other devices which he determines will  
10 make the ballot pamphlet easy to understand and  
11 useful to the average voter.

12 3. Certification of correctness. The ballot  
13 pamphlet shall contain a certificate of correctness  
14 by the Secretary of State, except as provided in sub-  
15 section 1, paragraph E.

16 4. Arguments for and against propositions.  
17 Arguments for and against propositions on the ballot  
18 shall be submitted and shall conform to the following  
19 requirements.

20 A. The Secretary of State shall, by rule, deter-  
21 mine the time period within which arguments shall  
22 be submitted and the form in which they are to be  
23 submitted.

24 B. Any person may, within the rules prescribed  
25 by the Secretary of State and the requirements of  
26 this subsection, submit an argument for or  
27 against a proposition on the ballot.

28 C. All arguments for or against a proposition  
29 shall be accompanied by the name and address of  
30 the person or organization submitting it. If the  
31 argument is submitted by an organization, the  
32 names and addresses of at least 2 of its prin-  
33 cipal officers shall be included. Named persons  
34 shall sign the argument and no more than 3  
35 signatures may accompany any argument.

36 D. Arguments may not exceed 500 words in length.  
37 If multiple arguments are submitted for or  
38 against a proposition, the combined total length  
39 shall not exceed 500 words. Once submitted,  
40 arguments may not be amended or changed.

1 E. Only arguments from one of the sources  
2 identified in this paragraph may appear for or  
3 against a proposition in the ballot pamphlet. If  
4 arguments from more than one source are received,  
5 the Secretary of State shall select the arguments  
6 in accordance with the following order of prefer-  
7 ence:

8 (1) In the case of a proposition submitted  
9 by the Legislature, members of the Legis-  
10 lature;

11 (2) In the case of an initiative or  
12 people's veto proposition, the proponent of  
13 the petition;

14 (3) Bona fide associations of citizens; and

15 (4) Individual voters.

16 F. Whenever the Legislature submits a proposi-  
17 tion to the voters, the sponsor of the measure  
18 may draft and submit an argument for adoption of  
19 the measure. The sponsor may designate 2 other  
20 persons to draft and submit additional arguments.

21 If a proposition submitted by the Legislature is  
22 not adopted unanimously, one member who voted  
23 against the measure from each house shall be  
24 appointed by the presiding officer of each house  
25 to draft an argument or arguments against the  
26 proposition. Members so appointed may draft and  
27 submit an argument or arguments against the prop-  
28 osition.

29 5. Rebuttal arguments. When the Secretary of  
30 State has received the arguments which will be  
31 printed in the ballot pamphlet, he shall, within 5  
32 days of their receipt, send copies of the arguments  
33 in favor of the proposition to the authors of the  
34 arguments against, and copies of the arguments  
35 against to the authors of the arguments in favor.  
36 The authors may prepare and submit rebuttal arguments  
37 not exceeding 250 words. The Secretary of State  
38 shall, by rule, establish the form in which and the  
39 time period within which rebuttal arguments must be  
40 submitted.

1       6. Statement by Attorney General. In addition  
2 to the requirements of Title 1, section 353, regard-  
3 ing constitutional amendments, the Attorney General  
4 shall prepare a written summary of the intent and  
5 content of each proposition to be included in the  
6 ballot pamphlet. No summary may exceed 200 words.

7       7. Ballot pamphlet distribution. As soon as  
8 copies of the ballot pamphlet are available, but at  
9 least 40 days prior to the election, the Secretary of  
10 State shall mail or deliver:

11       A. One copy for every 100 ballots delivered to  
12 each polling place for use at each polling place;

13       B. 50 copies to each county clerk;

14       C. 50 copies to each city clerk;

15       D. 30 copies to each town clerk;

16       E. 10 copies to each member of the Legislature;

17       F. 50 copies to the proponents of each ballot  
18 measure;

19       G. 2 copies to each public library and branch  
20 thereof;

21       H. 10 copies to each high school or other school  
22 teaching at least the 11th and 12th grades; and

23       I. 20 copies to each institution of higher  
24 learning.

25       Upon request, and in the discretion of the Secretary  
26 of State, additional copies may be furnished to  
27 others.

28                                   STATEMENT OF FACT

29       This bill addresses the concerns of the many  
30 voters who have been confused, misled or frustrated  
31 by ballot questions.

1           Section 1 requires the Secretary of State to  
2 deliver ballot pamphlets to each municipality in ad-  
3 dition to other election material.

4           Section 2 addresses the problems of potentially  
5 misleading ballot questions. The Attorney General is  
6 required to review each question. If he finds any  
7 question unclear or misleading he must prepare a  
8 written clarification that will appear directly on  
9 the ballot. The section also establishes a method  
10 for the arranging of ballot questions.

11          Section 3 establishes a ballot pamphlet for use  
12 by the voters. The pamphlet will contain the prop-  
13 osition to be voted on, a short summary prepared by  
14 the Attorney General, constitutional or statutory  
15 provisions involved, and arguments and rebuttal argu-  
16 ments for and against each proposition. The Secre-  
17 tary of State is charged with preparing the pamphlet  
18 in such a way as to make it easy to understand by the  
19 average voter. The pamphlet could be widely distrib-  
20 uted with ample copies available at the polls, at  
21 town offices, in libraries and schools.

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