

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2095

6
7 H.P. 1588

House of Representatives, February 21, 1984

8 Submitted by the Joint Standing Committee on Election Laws as
9 approved by the Legislative Council on 5/25/83 pursuant to Joint Rule 19.
10 Reported by Representative Nadeau from the Committee on Election
Laws and printed under Joint Rule 19.

EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

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

17 AN ACT to Provide Voter Information on
18 Ballot Questions.
19

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

22 Sec. 1. 1 MRSA §353 is repealed.

23 Sec. 2. 21 MRSA §601, first ¶, as amended by PL
24 1983, c. 385, §1, is further amended to read:

25 Within a reasonable time before any election, the
26 Secretary of State shall furnish each municipality
27 with ballots, specimen ballots, instruction posters,
28 election return forms, ~~posters of specimen ballots~~
29 ~~for constitutional resolutions and statewide referenda,~~
30 ~~including the Attorney General's explanatory~~
31 ~~statements~~ voter informational materials prepared un-
32 der Title 17 section 353, materials setting forth the
33 full text of all constitutional resolutions and
34 statewide referenda in accordance with sections 1001

1 and 1003 and other materials necessary for conducting
2 and reporting the results of the election.

3 Sec. 3. 21 MRSA §801, sub-§2, as amended by PL
4 1983, c. 385, §2, is further amended to read:

5 2. Election materials distributed and posted. At
6 any time after receipt thereof and prior to the open-
7 ing of the polls, the clerk may open the packages or
8 boxes of election materials, break the seals on the
9 packages not marked "ballots," use the materials for
10 instructional purposes, and then the clerk or his
11 designated agents shall post an adequate number of
12 instruction posters, ~~posters of specimen ballots for~~
13 ~~constitutional resolutions and statewide referenda,~~
14 ~~including the Attorney General's explanatory~~
15 ~~statements voter informational materials prepared un-~~
16 ~~der Title 1, section 353, materials setting out the~~
17 ~~full text of constitutional resolutions and statewide~~
18 ~~referenda, in accordance with sections 1001 and 1003~~
19 and specimen ballots in the voting room outside the
20 guardrail. At the opening of the polls, the warden
21 shall break the seals on the packages containing the
22 ballots, and distribute the ballots to the incoming
23 election clerks.

24 Sec. 4. 21 MRSA c. 24 is enacted to read:

25 CHAPTER 24

26 VOTER INFORMATION ON BALLOT QUESTIONS

27 §1001. Arguments for and against ballot questions

28 The Secretary of State shall arrange for publica-
29 tion of informational materials containing arguments
30 for and against each ballot question submitted to the
31 voters. Ballot question means the referendum and
32 initiative procedures pursuant to the Constitution of
33 Maine, Article IV, Part Third, Sections 17 and 18,
34 the amendment of the Constitution of Maine, pursuant
35 to Article X, Section 4, legislation expressly condi-
36 tional upon ratification by a referendum vote pursu-
37 ant to the Constitution of Maine, Article IV, Part
38 Third, Section 19 and the ratification of bonds is-
39 ssued on behalf of the State, pursuant to the Consti-
40 tution of Maine, Article IX, Section 14.

1 1. Contents. The informational material re-
2 quired by this section shall be limited to 300 words
3 for each argument for and each argument against and
4 shall include:

5 A. The ballot question;

6 B. Arguments for and against the ballot question
7 prepared in accordance with this section and the
8 names of the individuals or groups who drafted
9 the arguments;

10 C. The statement of purpose required by section
11 1004;

12 D. The Treasurer of State's statement required
13 by Title 5, section 152, when applicable; and

14 E. A statement that the statements in the infor-
15 mational materials do not represent the official
16 position of the State.

17 2. Format. Voter informational materials re-
18 quired by subsection 7 shall be published in at least
19 10-point type. The format shall be arranged to en-
20 hance dissemination of the informational materials.

21 3. Preparation of arguments for. Arguments in
22 favor of a ballot question shall be drafted by the
23 sponsor of the legislation or a designee or, in the
24 case of initiated legislation, by the voter who ini-
25 tiated the petition or a designee. In the event that
26 the voter who initiated the petition is unavailable
27 to draft the argument or to designate a drafter, one
28 of the 5 voters named in the application for the pe-
29 tition may draft the argument or designate a drafter.
30 The opportunity to draft or designate a drafter shall
31 be granted to the first of the 5 voters who is avail-
32 able.

33 4. Preparation of arguments against. Arguments
34 against the ballot question shall be drafted by a
35 committee composed of one person appointed by the Ma-
36 jority Leader of the Senate, one person appointed by
37 the Minority Leader of the Senate and a 3rd person
38 selected by the other 2. All 3 committee members
39 shall be persons known to oppose the measure.

1 5. Failure to file argument. If either the ar-
2 gument for or against a ballot question is not filed
3 by the deadline specified in subsection 6, the Secre-
4 tary of State shall give notice of that fact and re-
5 quest submission of arguments from the public by pub-
6 lication in newspapers which together have general
7 circulation throughout the State. Members of the
8 public may then request permission of the Secretary
9 of State to prepare an argument to be published with
10 the informational material. The Secretary of State
11 shall select at least one, but not more than 3, per-
12 sons who shall draft the argument. The Secretary of
13 State shall base his choice on evidence of support
14 in the case an argument for or opposition in case of
15 an argument against the ballot question. That evi-
16 dence may include testimony at legislative hearings,
17 registration as a lobbyist or membership in a politi-
18 cal action committee supporting or opposing the bal-
19 lot question. When the provisions of this subsection
20 are invoked, the filing deadline shall be 21 days la-
21 ter than the date provided in subsection 6, except
22 when a special election is called by the Governor.

23 6. Filing deadline. For ballot question issues,
24 except referendum procedures pursuant to the Consti-
25 tution of Maine, Article IV, Part Third, Section 17,
26 the deadline for filing the arguments for and against
27 the ballot question shall be August 1st. For
28 people's veto referendum ballot questions, the dead-
29 line shall be August 1st or 2 weeks after the Gover-
30 nor's proclamation, whichever is later, unless the
31 petition is filed less than 60 days before the state-
32 wide election that year. In that case, the filing
33 deadline shall be 90 days before a special election
34 scheduled for vote on the question.

35 7. Printing and distribution. The Secretary of
36 State shall arrange for the printing of 10,000 copies
37 of the informational materials required by this sec-
38 tion. Individuals or groups may reproduce all or
39 part of the informational materials published by the
40 Secretary of State. Copies shall be available for
41 distribution by the Secretary of State at least 45
42 days before the election. Single copies shall be
43 distributed to persons on request. In addition, the
44 Secretary of State shall mail or deliver:

- 1 A. Five copies for each voting place in a munic-
2 ipality to the clerk of that municipality;
- 3 B. Ten copies to each member of the Legislature;
4 and
- 5 C. One copy to each public library and branch
6 thereof.

7 §1002. Newspaper advertisements

8 Prior to an election, the Secretary of State
9 shall arrange for the publication of advertisements
10 explaining any ballot questions to be submitted to
11 the voters. The advertisements shall be published in
12 newspapers which together have general circulation
13 throughout the State.

14 1. Date of publication. The advertisement shall
15 be published twice, on the 6th Friday and on the last
16 Friday before the day of the election.

17 2. Content. The newspaper advertisements shall
18 contain the same information required by section
19 1001, subsection 1.

20 §1003. Informational posters

21 The Secretary of State shall arrange for the
22 preparation of informational posters explaining any
23 ballot questions to be submitted to the voters.

24 1. Content. The informational posters shall
25 contain the same information required by section
26 1001, subsection 1.

27 2. Distribution and display. The Secretary of
28 State shall distribute sufficient copies of the post-
29 er to each municipality to ensure that there are 2
30 copies at each voting place. The posters shall be
31 prominently displayed at each voting place.

32 §1004. Statement of purpose

33 Whenever the Legislature enacts legislation au-
34 thorizing the submission of a ballot question to the
35 people, that legislation shall contain a statement of

1 purpose explaining the goals and objectives of the
2 issue. Whenever the referendum and initiative proce-
3 dures of the Constitution of Maine, Article IV, Part
4 Third, Sections 17 and 18 are invoked, the petition
5 shall contain a statement of purpose which shall ap-
6 pear immediately below the question on the petition.
7 That statement shall comply with the requirements of
8 section 702-A, subsection 1.

9 §1005. Wording of ballot questions

10 Ballot questions shall be set out in clear, concise
11 and direct language. The rules adopted by the
12 Secretary of State pursuant to section 702-A shall be
13 used to determine whether ballot questions meet that
14 requirement. Before enactment of legislation autho-
15 rizing the submission of a ballot question to the
16 people, the Legislature shall ensure that the ballot
17 question satisfies the requirements of this section.

18 STATEMENT OF FACT

19 This bill is recommended by the Joint Standing
20 Committee on Election Laws as a result of its study
21 of the election laws. The purpose of this bill is to
22 establish a system of voter information for ballot
23 questions and to assure that all ballot questions are
24 written in readable language. The bill replaces the
25 intent-content pamphlet with a new voter information
26 pamphlet consisting of the ballot questions, pro and
27 con arguments and a statement of purpose. Drafting,
28 printing and distribution procedures are established.
29 The bill requires the Secretary of State to publish 2
30 newspaper ads containing the same information as the
31 pamphlet prior to an election in which there are
32 questions on the ballot. The Secretary of State is
33 required to prepare an informational poster explain-
34 ing ballot questions. The poster will be displayed
35 at voting places. All ballot questions are required
36 to be written in readable language; and legislation
37 authorizing a ballot question shall contain an expla-
38 nation of its goals and objectives.

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