

MAINE STATE LEGISLATURE

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L.D. 344
(Filing No. H-214)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 274, L.D. 344,
Bill, "AN ACT to Amend the Election Laws."

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Amend the bill by striking out everything after
the enacting clause and inserting in its place the
following:

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'Sec. 1. 21-A MRSA §23, sub-§7, as enacted by PL
1985, c. 161, §6, is amended to read:

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7. Ballots and other election materials. The
clerk shall keep the ballots and other election mate-
rials listed in section 698 in his office for 2 22
months and incoming voting lists for 2 years, unless
sooner released to the Secretary of State or required
by the Secretary of State to be kept longer. Once
released to the Secretary of State, they shall be
kept by him until any appeal period bearing on the
validity of the election has expired. Notwithstand-
ing this subsection, ballots used for municipal elec-
tions conducted under this Title, referenda elections
or special legislative elections shall be kept for 2
months.

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Sec. 2. 21-A MRSA §129, first ¶, as enacted by
PL 1985, c. 161, §6, is amended to read:

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When a voter's name is changed by marriage or
other process of law, or when he moves ~~from one vot-
ing district to another~~ in within a municipality, the
following provisions apply.

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Sec. 3. 21-A MRSA §152, sub-§1, ¶B, as enacted
by PL 1985, c. 161, §6, is amended to read:

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B. Legal Residence address, including street,
street number, apartment number, town, county and

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1 zip code;

2 Sec. 4. 21-A MRSA §154, sub-§1, ¶B, as enacted
3 by PL 1985, c. 161, §6, is amended to read:

4 B. ~~Legal~~ Residence address, including street,
5 street number, apartment number, town, county and
6 zip code;

7 Sec. 5. 21-A MRSA §165, as enacted by PL 1985,
8 c. 161, §6, is amended to read:

9 §165. Copies of list available

10 The registrar may require a deposit but shall
11 furnish a certified copy of the voting list to any
12 person within 10 business days after a request and
13 the payment of a reasonable price determined by the
14 municipal officers. The fee charged accrues to the
15 registrar unless the legislative body of the munici-
16 pality votes otherwise. This copy of the voting list
17 may be in a computer readable form, such as tapes or
18 discs, if requested and technically feasible to
19 produce. The registrar shall furnish a certified
20 copy of the voting list to the clerk at no charge
21 within 10 days after it is completed.

22 Sec. 6. 21-A MRSA §171, sub-§1, ¶B, as enacted
23 by PL 1985, c. 161, §6, is amended to read:

24 B. ~~Legal~~ Residence address, including street,
25 street number, apartment number, town, county and zip
26 code;

27 Sec. 7. 21-A MRSA §354, sub-§8, as enacted by PL
28 1985, c. 161, §6, is repealed.

29 Sec. 8. 21-A MRSA §354, sub-§8-A is enacted to
30 read:

31 8-A. Filed with the Secretary of State. A nomi-
32 nation petition must be filed in the office of the

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1 Secretary of State by 5 p.m. on July 1st of the elec-
2 tion year in which it is to be used.

3 Sec. 9. 21-A MRSA §603, sub-§6, as enacted by PL
4 1985, c. 161, §6, is repealed.

5 Sec. 10. 21-A MRSA §630, sub-§2, ¶B, as enacted
6 by PL 1985, c. 161, §6, is amended to read:

7 B. In municipalities in which one or more voting
8 places are inaccessible to handicapped voters and
9 in which the office of the clerk is in a building
10 which is accessible as defined in subsection 1,
11 paragraph A, the municipal officers shall design-
12 nate the office of the clerk as an alternative
13 voting place for physically handicapped voters
14 who reside in voting districts which do not have
15 accessible voting places. In municipalities in
16 which one or more voting places and the office of
17 the clerk are inaccessible to physically handi-
18 capped voters and in which one or more voting
19 place is accessible to these voters, the munici-
20 pal officers shall designate one of these acces-
21 sible voting places, as centrally located as pos-
22 sible, as the alternative voting place for physi-
23 cally handicapped voters who reside in voting
24 districts which do not have accessible voting
25 places. A physically handicapped voter who
26 wishes to vote ~~at the office of the clerk or~~ at
27 an alternative voting place must notify the clerk
28 of the municipality at least 5 days 48 hours be-
29 fore the date of any election. This notice may
30 be waived if an emergency exists. The clerk
31 shall keep a list of the persons who give this
32 notice.

33 Not later than 10 days before the date of any
34 election, the clerk shall issue a public notice
35 designating the location of the alternative ac-
36 cessible voting place. This notice is not re-
37 quired in any municipality in which all or no
38 voting places are accessible to these persons.

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1 When a physically handicapped voter votes at the
2 office of the clerk or at an alternative voting
3 place, he shall vote by absentee ballot and the
4 method of voting shall be the same as in section
5 754. If an alternative voting place has been
6 designated the clerk shall furnish a reasonable
7 number of absentee ballots and return envelopes
8 to the warden. When the clerk or the warden re-
9 ceives such a ballot, he shall follow, as far as
10 applicable, the same procedure prescribed in sub-
11 chapter IV for the clerk to follow in handling
12 absentee ballots.

13 Sec. 11. 21-A MRSA §682, sub-§3, ¶A, as enacted
14 by PL 1985, c. 161, §6, is amended to read:

15 A. This subsection does not apply to advertising
16 material on automobiles traveling to and from the
17 voting place. It does not prohibit a person from
18 passing out stickers at the voting place which
19 are to be pasted on the ballot at a primary elec-
20 tion. It does not prohibit a person, other than
21 an election official, from wearing a campaign
22 button when the longest dimension of the button
23 does not exceed 3 inches.

24 Sec. 12. 21-A MRSA §695, sub-§2, as enacted by
25 PL 1985, c. 161, §6, is amended to read:

26 2. Separated into lots. In counting the bal-
27 lots, the election clerks shall separate them into
28 distinct lots. Each of these lots must consist of
29 ~~100~~ 50 ballots, except for one lot, which may have
30 less than ~~100~~ 50 ballots. They shall place with each
31 lot a statement of the count in that lot and the
32 names of the election ~~clerk~~ clerks who made the
33 count. They shall wrap the statement of the count
34 around the outside of each lot of ballots.

35 Sec. 13. 21-A MRSA §737, sub-§6, ¶A is enacted
36 to read:

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1 A. In the case of a recount requested by a
2 write-in candidate who fails to receive the mini-
3 imum number of votes required and who is the only
4 candidate to appear at the recount, all ballots
5 shall be considered "disputed" if the candidate
6 concludes that he has received a sufficient num-
7 ber of votes for election.

8 Sec. 14. 21-A MRSA §1017, sub-§2, ¶F, as enacted
9 by PL 1985, c. 161, §6, is amended to read:

10 F. Unless further reports will be filed in rela-
11 tion to a later election in the same calendar
12 year, the disposition of any surplus or deficit
13 in excess of \$50 shown in the reports described
14 in paragraph E shall be reported to the commis-
15 sion on the first day of each quarter of the
16 State's fiscal year, until the surplus is dis-
17 posed of or the deficit is liquidated. The first
18 report is not required until the first day of the
19 quarter beginning at least 90 days from the date
20 of the election. The reports may either be filed
21 in person with the commission on that date or
22 postmarked by that time on that date. The re-
23 ports must set forth any contributions for the
24 purpose of liquidating the deficit, in the same
25 manner as contributions are set forth in other
26 reports required in this section.

27 Sec. 15. 21-A MRSA §1036, sub-§2, ¶F, as enacted
28 by PL 1985, c. 161, §6, is amended to read:

29 E. The disposition of any surplus or deficit in
30 excess of \$50 shown in the reports described in
31 paragraph E shall be reported to the commission
32 on the first day of each quarter of this State's
33 fiscal year, until the surplus is disposed of or
34 the deficit is liquidated. The first report is
35 not required until the first day of the quarter
36 beginning at least 90 days from the date of the
37 election. The reports must set forth any contri-

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1 contributions for the purpose of liquidating the defi-
2 cit, in the same manner as contributions are set
3 forth in other reports required in this section.

4 Sec. 16. 30 MRSA §5356, sub-§2 is enacted to
5 read:

6 2. Title 21-A, chapter 13, subchapter III, does
7 not apply to municipal referenda campaigns.'

8 STATEMENT OF FACT

9 Section 1 of this amendment conforms state elec-
10 tion law to federal law which requires retention of
11 ballots for 22 months in federal elections. An ex-
12 ception is allowed for elections which do not involve
13 federal candidates.

14 Section 2 requires a voter to report any change
15 of address, not just those involving moving from one
16 voting district to another within a municipality.

17 Sections 3, 4 and 6 indicate requirements that
18 must appear on a voter registration card. Since
19 there is no general concept of "legal residence" in
20 Maine, confusion exists about what this term means.
21 For the purposes of the election law, "resident" is
22 sufficient as a defined meaning.

23 Several candidates and political organizations
24 have sought to obtain computer readable voting list
25 information from municipalities which maintain it.
26 There has been some confusion about whether voting
27 lists must be provided in these forms. The change in
28 section 5 clarifies voting list information that must
29 be supplied in a computer readable fashion if techni-
30 cally feasible.

31 Section 7 repeals the "uncontested office" provi-
32 sion which allowed nonparty candidates to file nomi-
33 nation petitions on primary election day, rather than

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1 on April 1st, if an office is not contested in the
2 general election. This provision would be irrelevant
3 if the filing date is changed to July 1st.

4 Section 8 also establishes July 1st of the elec-
5 tion year as the deadline for filing nomination peti-
6 tions by nonparty candidates. Previously, only
7 nonparty presidential candidates could file on this
8 date.

9 The change in this law is proposed based on a
10 finding by the United States District Court in Maine
11 that the April 1st deadline is unconstitutionally
12 burdensome to nonparty candidates. The opinion in
13 that case indicated that July 1st would not, on its
14 fact, violate the United States Constitution.

15 Section 9 repeals the section which prohibits the
16 circulating of specimen ballots. This restriction
17 has caused confusion among candidates, service groups
18 and news organizations. There does not appear to be
19 a useful purpose served and the elimination of this
20 restriction may result in a wider circulation of
21 specimen ballots.

22 Section 10, is necessary to conform with the re-
23 quirements of the federal election law.

24 Based on inquires the Secretary of State's office
25 has received in each election year, the changes in
26 section 11 clarify that an election official working
27 at the polls may not wear a campaign button and also
28 clarifies that a campaign button is an item not
29 larger than 3 inches in diameter.

30 Section 12 reduces the size of the "lots" by
31 which ballots are counted from 100 to 50. The Secre-
32 tary of State's office has received suggestions from
33 clerks indicating that this would be helpful to them.

34 Section 13 clarifies the procedure for a recount
35 when a candidate receives write-in votes. If a

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1 write-in candidate believes he has received enough
2 votes for election or nomination to be on the general
3 election ballot and he is the only candidate to ap-
4 pear at a requested recount, all of the ballots in
5 that particular race will be considered "disputed"
6 and sent to the Commission on Governmental Ethics and
7 Election Practices for a final decision.

8 Sections 14 and 15 delay the first quarterly re-
9 porting date for at least 90 days. Currently, post
10 election campaign reports may be filed as late as
11 mid-December of the election year. If a quarterly
12 report is required, it must now be filed only a few
13 weeks later. This effectively eliminates one
14 duplicative report.

15 Based on advice from the Attorney General's of-
16 fice, current practice does not require the reporting
17 of municipal referenda campaign finances to the Sec-
18 retary of State. Reports may be made at the munici-
19 pal level if required by the municipality. Since
20 this appears to be unclear, section 16 clarifies that
21 this interpretation is to continue.

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3757052085

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the
Clerk of the House

5/28/85

(Filing No. H-214)