

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 344

6  
7 H.P. 274

House of Representatives, February 1, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Aliberti of Lewiston.

11 Cosponsored by Senator Trafton of Androscoggin and Representative  
Reeves of Pittston.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the Election Laws.  
18

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

21 Sec. 1. 21 MRSA §102-A, sub-§1, ¶B, as repealed  
22 and replaced by PL 1975, c. 761, §9, is amended to  
23 read:

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

27 Sec. 2. 21 MRSA §103-A, sub-§1, ¶B, as repealed  
28 and replaced by PL 1983, c. 816, Pt. A, §14, is  
29 amended to read:

30 B. ~~Legal~~ Residence address, including street,  
31 street number, apartment number, town, county and  
32 zip code;

33 Sec. 3. 21 MRSA §175, as amended by PL 1973, c.  
34 414, §6, is further amended to read:

1     §175. Copies of list available

2           The registrar may require a deposit but shall  
3 furnish a certified copy of the voting list to any  
4 person within 10 business days after request and pay-  
5 ment at a reasonable price determined by the municipi-  
6 pal officers, which accrues to the registrar unless  
7 the legislative body of the municipality shall vote  
8 otherwise. This copy of the voting list may be in a  
9 computer readable form, such as tapes or discs, if  
10 requested and if technically feasible to produce.  
11 The registrar shall furnish a certified copy of the  
12 voting list to the clerk within 10 days after it is  
13 completed at no charge.

14           Sec. 4. 21 MRSA §201, sub-§1, ¶B, as repealed  
15 and replaced by PL 1975, c. 761, §14, is amended to  
16 read:

17           B. Legal Residence address, including street,  
18 street number, apartment number, town, county and  
19 zip code;

20           Sec. 5. 21 MRSA §493, 2nd ¶, as repealed and re-  
21 placed by PL 1979, c. 359, §2, is repealed.

22           Sec. 6. 21 MRSA §494, sub-§9, as repealed and  
23 replaced by PL 1983, c. 360, §5, is repealed and the  
24 following enacted in its place:

25           9. When filed. A nomination petition shall be  
26 filed in the office of the Secretary of State by or  
27 before 5 p.m. on July 1st of the election year in  
28 which it is to be used.

29           Sec. 7. 21 MRSA §638, first ¶ is amended to  
30 read:

31           When a voter's name is changed by marriage or  
32 other process of law, or when his street address is  
33 changed ~~from one voting district to another~~ in a mu-  
34 nicipality, the following provisions apply.

35           Sec. 8. 21 MRSA §862, as amended by PL 1979, c.  
36 332, §1, is further amended to read:

37     §862. Assistance

1 A voter who is unable to read or mark his ballot  
2 because of blindness or other physical disability or  
3 because of illiteracy or whose religious faith pre-  
4 vents him from marking the ballot may obtain assist-  
5 ance in marking the ballot ~~from 2 election officials~~  
6 ~~or~~ from a person selected by the voter, ~~provided that~~  
7 ~~such aide is of voting age and that no candidate for~~  
8 ~~election shall act as aide.~~ When the assistance of  
9 election officials is requested, the warden shall  
10 designate 2 election officials representing different  
11 political parties, but in primary elections repre-  
12 senting the same political party as the voter other  
13 than the voter's employer or agent of that employer  
14 or officer or agent of the voter's union.

15 Sec. 9. 21 MRSA §892, sub-§3, ¶A, as amended by  
16 PL 1977, c. 250, is further amended to read:

17 A. Exceptions. This does not apply to advertis-  
18 ing material on automobiles traveling to and from  
19 the voting place. It does not prohibit a person  
20 from passing out stickers at the voting place  
21 which are to be pasted on the ballot at a primary  
22 election. It does not prohibit a person, other  
23 than an election official, from wearing a cam-  
24 paign button when the longest diameter of the  
25 button does not exceed 3 inches.

26 Sec. 10. 21 MRSA §924, sub-§2, as repealed and  
27 replaced by PL 1977, c. 235, is amended to read:

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

37 Sec. 11. 21 MRSA §992 is amended to read:

38 §992. Voting list becomes checklist

39 As soon as the polls are closed, an election  
40 clerk shall note on ~~each~~ the certified copy of the

1 voting list ~~whether~~ that it was an incoming or  
2 ~~outgoing~~ list. Each election clerk shall sign his  
3 name on the copy used by him at the election. The  
4 warden shall countersign each copy. ~~The copies~~ That  
5 copy then become becomes the checklist.

6 Sec. 12. 21 MRSA §1152, sub-§6, ¶A is enacted to  
7 read:

8 A. Exception. In the case of a recount re-  
9 quested by a write-in candidate who fails to re-  
10 ceive the minimum number of votes required and  
11 who is the only candidate to appear at the re-  
12 count, all ballots shall be considered "disputed"  
13 if the candidate concludes that he has received a  
14 sufficient number of votes for election.

15 Sec. 13. 21 MRSA §1254, sub-§6, as amended by PL  
16 1979, c. 332, §3, is further amended to read:

17 6. Assistance. A voter who is unable to read or  
18 to mark his ballot because of blindness or other  
19 physical disability or because of illiteracy or whose  
20 religious faith prevents him from marking the ballot  
21 may request one of the officials listed in subsection  
22 1 or any person to read the ballot to him and mark it  
23 according to the voter's instructions or to assist  
24 the voter in marking the ballot, ~~provided that aide~~  
25 ~~is of voting age other than the voter's employer or~~  
26 ~~agent of that employer or officer or agent of the~~  
27 ~~voter's union.~~ The official may, at the request of  
28 such voter, complete and sign the affidavit on the  
29 envelope. When such official or such ~~an aide~~ person  
30 assists a voter in this way, the official shall write  
31 on the envelope that he or ~~an aide~~ another person  
32 marked the ballot or assisted the voter in marking  
33 the ballot and, if ~~an aide~~ another person, shall  
34 write ~~the aide's~~ that person's name. In addition, ~~the~~  
35 ~~aide~~ that person shall sign his name.

36 Sec. 14. 21 MRSA §1255, as amended by PL 1973,  
37 c. 414, §48, is further amended to read:

38 §1255. Deadline

39 The office of the clerk shall be open a minimum  
40 of 4 hours on the Saturday immediately preceding a

1 general election to allow voters to obtain or cast  
2 absentee ballots. In order to be valid, an absentee  
3 ballot must be delivered to the municipal clerk be-  
4 fore ~~8 p.m.~~ on election day, except in the presiden-  
5 tial election absentee ballots may be delivered to  
6 the clerk at any time before the closing of the polls  
7 on election day.

8 Sec. 15. 21 MRSA §1309, as amended by PL 1973,  
9 c. 782, §14, is further amended to read:

10 §1309. Acceptance by clerk

11 The clerk shall accept all absentee ballots deli-  
12 vered to him before ~~8 p.m.~~ the closing of the polls  
13 on election day. On request, he shall give the person  
14 who delivers a ballot a receipt stating the exact  
15 time of delivery.

16 Sec. 16. 21 MRSA §1397, sub-§3, ¶F, as amended  
17 by PL 1979, c. 256, §1, is further amended to read:

18 F. Unless further reports shall be filed in re-  
19 lation to a later election in the same calendar  
20 year, the disposition of any surplus or deficit  
21 in excess of \$50 shown in the reports described  
22 in paragraph E shall be reported to the commis-  
23 sion on the first day of each quarter of this  
24 state's fiscal year, until the surplus shall have  
25 been disposed of or the deficit shall have been  
26 liquidated. The first report shall not be re-  
27 quired until the first day of the quarter begin-  
28 ning at least 90 days from the date of the elec-  
29 tion. The reports may either be filed in person  
30 with the commission on that date, or postmarked  
31 by that time on that date. The reports shall set  
32 forth any contributions for the purpose of liqui-  
33 dating the deficit, in the same manner as contri-  
34 butions are set forth in other reports required  
35 in this section.

36 Sec. 17. 21 MRSA §1412, sub-§3, ¶A, as enacted  
37 by PL 1977, c. 575, §17, is amended to read:

38 A. A gift, subscription, loan, advance or depos-  
39 it of money or anything of value made for the  
40 purpose of influencing a campaign or referendum;

1           Sec. 18. 21 MRSA §1413, sub-§2, ¶F, as repealed  
2 and replaced by PL 1977, c. 589, §9, is amended to  
3 read:

4           F. The disposition of any surplus of deficit in  
5 excess of \$50 shown in the reports described in  
6 paragraph E shall be reported to the commission  
7 on the first day of each quarter of this state's  
8 fiscal year, until the surplus shall have been  
9 disposed of or such deficit shall have been liq-  
10 uidated. The first report shall not be required  
11 until the first day of the quarter beginning at  
12 least 90 days from the date of the election. The  
13 reports shall set forth any contributions for the  
14 purpose of liquidating the deficit, in the same  
15 manner as contributions are set forth in other  
16 reports required in this section.

17           Sec. 19. 21 MRSA §1578, sub-§7, as amended by PL  
18 1977, c. 496, §37, is further amended to read:

19           7. Ballots and other election materials. The  
20 clerk shall keep the ballots and other election mate-  
21 rials listed in section 926 in his office for 2  
22 months and checklists for 2 years unless sooner re-  
23 leased to the Secretary of State or required by him  
24 to be kept longer. Once released to the Secretary of  
25 State, they shall be kept by him until any appeal pe-  
26 riod bearing on the validity of the election has ex-  
27 pired. Notwithstanding this subsection ballots used  
28 for municipal elections conducted under this Title,  
29 referenda elections or special legislative elections  
30 shall be kept for 2 months.

31           Sec. 20. 21 MRSA §1579, sub-§12, as repealed and  
32 replaced by PL 1977, c. 496, §38, is repealed.

33           Sec. 21. 30 MRSA §5356, sub-§2 is enacted to  
34 read:

35           2. Title 21, chapter 35-A, does not apply to mu-  
36 nicipal referenda campaigns.

1

## STATEMENT OF FACT

2           Sections 1, 2 and 4 indicate requirements that  
3 must appear on a voter registration card. Since  
4 there is no general concept of "legal residence" in  
5 Maine, confusion exists about what this term means.  
6 For the purposes of the election law, "resident" is  
7 sufficient as a defined meaning.

8           Several candidates and political organizations  
9 have sought to obtain computer readable voting list  
10 information from municipalities which maintain it.  
11 There has been some confusion about whether voting  
12 lists must be provided in these forms. The change in  
13 section 3 clarifies voting list information that must  
14 be supplied in a computer readable fashion if techni-  
15 cally feasible.

16          Section 5 repeals the "uncontested office" provision  
17 which allowed nonparty candidates to file nomination  
18 petitions on primary election day, rather than on  
19 April 1st, if an office is not contested in the gener-  
20 al election. This provision would be irrelevant if  
21 the filing date is changed to July 1st.

22          Section 6 establishes July 1st of the election  
23 year as the deadline for filing nomination petitions  
24 by nonparty candidates. Previously, only nonparty  
25 presidential candidates could file on this date.

26          The change in this law is proposed based on a  
27 finding by the United States District Court in Maine  
28 that the April 1st deadline is unconstitutionally  
29 burdensome to nonparty candidates. The opinion in  
30 that case was indicated that July 1st would not, on  
31 its face, violate the United States Constitution.

32          Section 7 requires a voter to report any change  
33 of address, not just those involving moving from one  
34 voting district to another within a municipality.

35          Section 8 is necessary to conform with the re-  
36 quirements of the federal election law.

37          Based on inquiries the Secretary of State's of-  
38 fice has received in each election year, the changes



1 in section 9 clarify that an election official work-  
2 ing at the polls may not wear a campaign button and  
3 also clarifies that a campaign button is an item not  
4 larger than 3 inches in diameter.

5 Section 10 reduces the size of the "lots" by  
6 which ballots are counted from 100 to 50. The Secre-  
7 tary of State's office has received suggestions from  
8 clerks indicating that this would be helpful to them.

9 The election law was recently amended to elimi-  
10 nate the requirement for an outgoing voter checklist.  
11 In section 11 this change makes the Maine Revised  
12 Statutes, Title 21, section 992, inconsistent with  
13 that amendment. Municipalities may still use an out-  
14 going checklist for their own purposes, but it need  
15 not be referred to in the state election law.

16 Section 12 clarifies the procedure for a recount  
17 of a candidate receiving write-in votes.

18 Section 13 is necessary to conform with the re-  
19 quirements of federal election laws.

20 The changes in sections 14 and 15 will clarify  
21 the time for accepting absentee ballots. At the  
22 present time the law states 2 different times for ac-  
23 cepting absentee ballots. This also brings Maine law  
24 in compliance with federal law.

25 Sections 16 and 18 delay the first quarterly re-  
26 porting date for at least 90 days. Currently, post  
27 election campaign reports may be filed as late as  
28 mid-December of the election year. If a quarterly  
29 report is required, it must now be filed only a few  
30 weeks later. This effectively eliminates one  
31 duplicative report.

32 Section 17 clarifies the meaning of the original  
33 law in which the comma was omitted.

34 Section 19 conforms state election law to federal  
35 law which requires retention of ballots for 22 months  
36 in federal elections. An exception is allowed for  
37 elections which do not involve federal candidates.

1           Section 20 repeals the section which prohibits  
2 the circulating of specimen ballots. This restric-  
3 tion has caused confusion among candidates, service  
4 groups and news organizations. There does not appear  
5 to be a useful purpose served and the elimination of  
6 this restriction may result in a wider circulation of  
7 specimen ballots.

8           Based on advice from the Attorney General's of-  
9 fice, current practice does not require the reporting  
10 of municipal referenda campaign finances to the Sec-  
11 retary of State. Reports may be made at the municipi-  
12 pal level if required by the municipality. Since  
13 this appears to be unclear, section 21 clarifies that  
14 this interpretation is to continue.

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