

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1268

6
7 S.P. 465

In Senate, April 9, 1985

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Andrews of Cumberland.

Cosponsored by Representative Handy of Lewiston.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
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. 1 MRSA §353, as amended by PL 1979, c.
23 663, §1, is repealed.

24 Sec. 2. 21 MRSA §601, first ¶, as amended by PL
25 1983, c. 385, §1, is further amended to read:

26 Within a reasonable time before any election, the
27 Secretary of State shall furnish each municipality
28 with ballots, specimen ballots, instruction posters,
29 election return forms, ~~posters of specimen ballots~~
30 ~~for constitutional resolutions and statewide referen-~~
31 ~~da, including the Attorney General's explanatory~~
32 ~~statements~~ voter information materials prepared under
33 Title 1, section 353, materials setting forth the
34 full text of all constitutional resolutions and
35 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.
6 At any time after receipt thereof and prior to the
7 opening of the polls, the clerk may open the packages
8 or boxes of election materials, break the seals on
9 the packages not marked "ballots," use the materials
10 for 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 information materials prepared under
16 Title 17, section 353, materials setting out the full
17 text of constitutional resolutions and statewide referenda,
18 in accordance with sections 1001 and 1003 and
19 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 under the Constitution of
33 Maine, Article IV, Part Third, Sections 17 and 18;
34 the amendment of the Constitution of Maine under Ar-
35 ticle X, Section 4; legislation expressly conditional
36 upon ratification by a referendum vote under the Con-
37 stitution of Maine, Article IV, Part Third, Section
38 19; and the ratification of bonds issued on behalf of
39 the State, under the Constitution of Maine, Article
40 IX, Section 14.

1 1. Contents. The informational material re-
2 quired by this section shall be limited to 250 words
3 for each argument for and each argument against a
4 ballot question, and 100 words for each rebuttal ar-
5 gument in response to these arguments, and shall in-
6 clude:

7 A. The ballot question;

8 B. Arguments for and against the ballot question
9 and rebuttal arguments in response to these argu-
10 ments, prepared in accordance with this section,
11 and the names of the individuals or groups who
12 drafted the arguments;

13 C. The statement of purpose required by section
14 1004;

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

17 E. A statement that the statements in the infor-
18 mational materials do not represent the official
19 position of the State.

20 2. Format. Voter informational materials re-
21 quired by subsection 7 shall be published in at least
22 10 point type. The format shall be arranged to en-
23 hance dissemination of the informational materials.
24 The format of the arguments for and against a ballot
25 question shall be as provided in paragraph A.

26 A. The argument in favor of passage of a ballot
27 question shall appear first. The opponents' re-
28 buttal arguments in response to the first argu-
29 ment shall appear 2nd. The argument against pas-
30 sage of the ballot question shall appear 3rd.
31 The proponents' rebuttal arguments in response to
32 the 3rd argument shall appear 4th.

33 3. Preparation of arguments in favor of ballot
34 questions and rebuttal arguments. Arguments in favor
35 of a ballot question and rebuttal arguments in re-
36 sponse to arguments against the ballot question shall
37 be drafted by the sponsor of the legislation or a
38 designee or, in the case of initiated legislation, by
39 the voter who initiated the petition or a designee.

1 If the voter who initiated the petition is unavaila-
2 ble to draft the argument or to designate a drafter,
3 one of the 5 voters named in the application for the
4 petition may draft the argument or designate a
5 drafter. The opportunity to draft or designate a
6 drafter shall be granted to the first of the 5 voters
7 who is available.

8 4. Preparation of arguments against ballot ques-
9 tion and rebuttal arguments. Arguments against the
10 ballot question and rebuttal arguments in response to
11 arguments in favor of the ballot question shall be
12 drafted by a legitimate group that opposes the ques-
13 tion and has registered with the Secretary of State
14 under section 1553 as a political action committee
15 and has stated in its registration form that it op-
16 poses passage of the ballot question. If more than
17 one legitimate group has so registered, the arguments
18 shall be drafted cooperatively by those groups. If
19 those groups cannot agree to cooperate in the draft-
20 ing, the Secretary of State, in his sole discretion,
21 shall select the single group that exhibits the
22 broadest range of citizen support in the State, as
23 shown by their registration filed under section 1553
24 and reports filed under section 1556-A.

25 A. If no group registered under section 1553 as
26 opposing the ballot question is available, the
27 arguments against the passage of a ballot ques-
28 tion shall be drafted by a committee of 6 per-
29 sons, all of whom must be persons known to oppose
30 the measure. One person shall be appointed to
31 the committee by each of the following: The Pres-
32 ident of the Senate, the Speaker of the House of
33 Representatives, the Senate Majority Leader, the
34 Senate Minority Leader, the House Majority Leader
35 and the House Minority Leader.

36 5. Failure to file argument. If either the ar-
37 gument for or against a ballot question is not filed
38 by the deadline specified in subsection 6, the Secre-
39 tary of State shall give notice of that fact and re-
40 quest the submission of arguments from the public by
41 publication in newspapers which together have general
42 circulation throughout the State. Members of the
43 public may then request the permission of the Secre-
44 tary of State to prepare an argument to be published

1 with the informational material. The Secretary of
2 State shall select at least one, but not more than 3,
3 persons who shall draft the argument. The Secretary
4 of State shall base his choice on evidence of support
5 in the case of an argument for or opposition in case
6 of an argument against the ballot question. That ev-
7 idence may include testimony at legislative hearings,
8 registration as a lobbyist or membership in a politi-
9 cal action committee supporting or opposing the bal-
10 lot question. When the application of this subsec-
11 tion is required, the filing deadline shall be 21
12 days later than the date provided in subsection 6,
13 except when a special eleciton is called by the Gov-
14 ernor.

15 6. Filing deadlines. For ballot question is-
16 sues, except referendum procedures under the Consti-
17 tution of Maine, Article IV, Part Third, Section 17,
18 the deadline for filing the arguments for and against
19 the ballot question is August 1st. For people's veto
20 referendum ballot questions, the deadline is August
21 1st or 2 weeks after the Governor's proclamation,
22 whichever is later, unless the petition is filed less
23 than 60 days before the statewide election that year.
24 In that case, the filing deadline shall be 90 days
25 before a special election scheduled for vote on the
26 question.

27 A. When the Secretary of State has received the
28 arguments for and against a ballot question under
29 this section, he shall immediately send copies of
30 the arguments in favor of the ballot question to
31 the authors of the argument against, and copies
32 of the argument against to the authors of the ar-
33 gument in favor of the ballot question. The au-
34 thors may prepare and submit rebuttal arguments
35 in response to the respective arguments for and
36 against the ballot question. These rebuttal ar-
37 guments must be submitted to the Secretary of
38 State within 14 days of the deadline for the ini-
39 tial arguments for and against the ballot ques-
40 tion, or as required sooner by the Secretary of
41 State if the initial deadline occurs after August
42 15th. If no rebuttal argument is submitted, or
43 one is submitted after the deadline specified or
44 authorized in this paragraph, the Secretary of
45 State shall publish the remainder of the materi-

1 als required by this section without the missing
2 or late rebuttal arguments.

3 7. Printing and distribution. The Secretary of
4 State shall arrange for the printing of 5,000 copies
5 of the informational materials required by this sec-
6 tion. Individuals or groups may reproduce and dis-
7 tribute all or part of the informational materials
8 published by the Secretary of State.

9 Copies shall be available for distribution by the
10 Secretary of State at least 45 days before the elec-
11 tion. Single copies shall be distributed to persons
12 on request, as supplies permit after distribution un-
13 der paragraph A.

14 A. The Secretary of State shall mail or deliver:

15 (1) Ten copies to each member of the Legis-
16 lature;

17 (2) One copy for every 250 ballots deliv-
18 ered to voting places within a municipality,
19 to be delivered to the clerk. The clerk
20 shall distribute these copies so as to make
21 the materials conveniently available to the
22 largest possible number of potential voters
23 in the municipality; and

24 (3) One copy to each branch of any public
25 library in the State.

26 §1002. Newspaper publication

27 Before the election, the Secretary of State shall
28 make the information required by section 1001, sub-
29 section 1, available for publication in any newspaper
30 or periodical having general circulation in the
31 State.

32 §1003. Informational posters

33 The Secretary of State shall arrange for the
34 preparation of informational posters explaining any
35 ballot questions to be submitted to the voters.

1 1. Content. The informational posters shall
2 contain the information required by section 1001,
3 subsection 1.

4 2. Distribution and display. The Secretary of
5 State shall distribute sufficient copies of the post-
6 ers to each municipality to ensure that there are 2
7 copies at each voting place. The posters shall be
8 prominently displayed at each voting place.

9 §1004. Statement of purpose

10 Whenever the Legislature enacts legislation au-
11 thorizing the submission of a ballot question to the
12 people, that legislation shall contain a statement of
13 purpose explaining the goals and objectives of the
14 issue. Whenever the referendum and initiative proce-
15 dures of the Constitution of Maine, Article IV, Part
16 Third, Sections 17 and 18, are invoked, the petition
17 shall contain a statement of purpose which shall ap-
18 pear immediately below the question on the petition.
19 That statement must comply with the requirements of
20 section 702-A, subsection 1.

21 §1005. Wording of ballot questions

22 Ballot questions shall be set out in clear, con-
23 cise and direct language. The rules adopted by the
24 Secretary of State under section 702-A shall be used
25 to determine whether ballot questions meet this re-
26 quirement. Before enactment of legislation authoriz-
27 ing the submission of a ballot question to the peo-
28 ple, the Legislature shall ensure that the ballot
29 question satisfies the requirements of this section.

30 Sec. 5. 21 MRSA §1351, sub-§6 is enacted to
31 read:

32 6. Statement of purpose. The statement of pur-
33 pose required by section 1004 shall appear immediate-
34 ly below the question on the face of the petition.

STATEMENT OF FACT

The purpose of this bill is to establish a system of voter information for ballot questions and to assure that all ballot questions are written in readable language. The bill replaces the intent-content pamphlet currently distributed by the Secretary of State's office with a new voter information pamphlet consisting of the text of the ballot questions, pro and con arguments and rebuttals and a statement of purpose. Drafting, printing and distribution procedures are established. The bill requires the Secretary of State to make the information printed in the pamphlets available to newspapers and periodicals. He must also prepare posters explaining ballot questions which contain that same information and which will be displayed at all voting places. All ballot questions are required to be written in readable language, and legislation authorizing a ballot question must contain an explanation of its goals and objectives.

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