

MAINE STATE LEGISLATURE

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(New Draft of H.P. 308, L.D. 407)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1569

H.P. 1154 House of Representatives, May 15, 1987
Reported by Representative PRIEST from the Committee on
Legal Affairs and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative DIAMOND of
Bangor. Cosponsored by Senator KANY of Kennebec,
Representatives JALBERT of Lisbon, and TUPPER of Orrington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend Certain Election Laws.

1
2

3 Be it enacted by the People of the State of Maine as
4 follows:

5 Sec. 1. 21-A MRSA §111, sub-§3, as enacted by PL
6 1985, c. 161, §6, is amended to read:

7 3. Residence. He must have established and
8 maintain a voting residence in that municipality.

9 Sec. 2. 21-A MRSA §115, sub-§1, as enacted by PL
10 1985, c. 161, §6, is amended to read:

11 1. Certain persons may not register or vote. A
12 person under guardianship because of mental illness
13 may not register or vote in any election, as provided

1 in the Constitution of Maine, Article II, Section 1.

2 Sec. 3. 21-A MRSA §154, as amended by PL 1985,
3 c. 383, §4, is further amended to read:

4 §154. Registration and enrollment for citizens out-
5 side the United States

6 1. Application. A person qualified to register
7 under section 111, subsections 1 to 3 and 2 and sec-
8 tion 751, subsection 8, who is outside the United
9 States may register and enroll by filing a federal
10 postcard application or an application designed by
11 the Secretary of State and provided by the registrar
12 containing the following information:

13 A. First name, middle name or initial and last
14 name, or first name or initial, middle name and
15 last name;

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

19 C. Mailing address;

20 D. Date of birth;

21 E. Last domicile immediately before departure
22 from the United States;

23 F. Voting district of the last domicile within
24 the United States;

25 G. Whether a citizen by birth or naturalization;
26 if by naturalization, the date, place and court
27 of naturalization;

28 H. Notification that failure to complete the en-
29 tire application may prevent registration;

30 I. Passport or identity card registration num-
31 ber;

32 J. Signature;

1 K. Certification that all information is cor-
2 rect, sworn before a diplomatic or consular offi-
3 cial of the United States or before the master of
4 a United States vessel of 1,000 tons or more;

5 L. Date of application;

6 M. Date of registration; and

7 N. Choice of political party if the registrant
8 wishes to enroll.

9 Sec. 4. 21-A MRSA §501, sub-§1, as enacted by PL
10 1985, c. 161, §6, is amended to read:

11 1. In a city. In a city, the ~~election~~
12 selection, term of office, compensation and partial
13 duties of wardens and ward clerks are determined by
14 the city charter. Additional duties are prescribed
15 by this Title.

16 Sec. 5. 21-A MRSA §604-A is enacted to read:

17 §604-A. Flexibility for combining election ballots

18 Notwithstanding any other provision of this Ti-
19 tle, the Secretary of State may make suitable ar-
20 range ment for the printing of candidate, referendum
21 and municipal election ballots on a single paper bal-
22 lot or ballot card used in conjunction with electron-
23 ic voting systems. The Secretary of State may only
24 allow such a combination if he finds that it is in
25 the interest of the election process and that it will
26 not contribute to voter confusion or unreasonable ad-
27 ministrative difficulties.

28 Sec. 6. 21-A MRSA §698, sub-§2, as amended by PL
29 1985, c. 614, §19, is further amended to read:

30 2. Ballots replaced in containers. The election
31 clerks shall place the sealed packages of used bal-
32 lots, envelopes containing challenge certificates,
33 unused ballots, spoiled ballots, defective ballots,
34 void ballots, used and unused absentee ballots, used
35 absentee envelopes and used absentee applications in
36 the containers in which the regular ballots were de-
37 livered, except that referendum ballots may be sealed

1 in separate containers. They shall then seal the
2 containers publicly. The total number of used bal-
3 lots, unused ballots, spoiled ballots, defective bal-
4 lots and absentee ballots must equal the number of
5 ballots furnished by the Secretary of State to the
6 municipal clerk, less the number of absentee ballots
7 issued to voters and not returned.

8 Sec. 7. 21-A MRSA §724-A is enacted to read:

9 §724-A. Written notice to Legislature

10 At the time the Governor publicly proclaims the
11 result of the vote on any measure referred to the
12 people for approval under the Constitution of Maine,
13 Article IV, Part Third, Section 17 or 18, he shall
14 also provide written notice of the result of that
15 vote to the President of the Senate, the Speaker of
16 the House and the Revisor of Statutes.

17 Sec. 8. 21-A MRSA §736, as enacted by PL 1985,
18 c. 161, §6, is amended by adding after the first par-
19 agraph a new paragraph to read:

20 If a ballot contains state and local candidates
21 or questions, the Secretary of State shall set prior-
22 ities on which requests for inspection shall be hon-
23 ored first if more than one request is presented.

24 Sec. 9. 21-A MRSA §737, sub-§3-A is enacted to
25 read:

26 3-A. Recount request. If a ballot contains
27 state and local candidates or questions, the Secre-
28 tary of State shall set priorities on which requests
29 for recount shall be honored first if more than one
30 request is presented.

31 Sec. 10. 21-A MRSA §738, as enacted by PL 1985,
32 c. 161, §6, is amended to read:

33 §738. Statewide referendum ballots

34 On petition signed by 100 or more affected vot-
35 ers, an inspection and recount may be held on any
36 referendum question by applying to the Secretary of
37 State within the deadlines provided in sections 736

1 and 737. A deposit shall be required if the percent-
2 age difference between the yes and no votes falls
3 within the requirements of section 737, subsection 2.
4 Appeal of disputed ballots must be to the Commission
5 on Governmental Ethics and Election Practices as pro-
6 vided under Article IV.

7 If a ballot contains state and local candidates
8 or questions, the Secretary of State shall set prior-
9 ities on which requests for inspection and recount
10 shall be honored first if more than one request is
11 presented.

12 Sec. 11. 21-A MRSA §751, sub-§5, as enacted by
13 PL 1985, c. 161, §6, is amended to read:

14 5. Distance from polls. Unreasonable distance
15 from the polls, if he is a resident of a township or
16 a coastal island ward or district; or

17 Sec. 12. 21-A MRSA §751, sub-§6-A, as enacted by
18 PL 1985, c. 357, §§7 and 19, is amended to read:

19 6-A. Working when polls are open. Working during
20 the entire time the polls in his municipality are
21 open;

22 Sec. 13. 21-A MRSA §751, sub-§§7 and 8 are en-
23 acted to read:

24 7. Resident of certain facilities. Resident of
25 a licensed nursing home, as defined in Title 22,
26 chapter 405, licensed boarding home, as defined in
27 Title 22, chapter 1665, or certified congregate hous-
28 ing unit, as defined in Title 22, chapter 1457-A,
29 when the clerk is present; or

30 8. Citizens outside the United States. If a
31 citizen residing outside the United States does not
32 have a place of abode or other address in the State,
33 or if his intent to return to this State is uncer-
34 tain, he may vote by absentee ballot in elections in
35 the State, as long as the following qualifications
36 are met:

37 A. He must have been domiciled in the State im-
38 mediately before his departure from the United
39 States;

1 B. He must not maintain a domicile, not be reg-
2 istered to vote, and not be voting in any other
3 state or territory or in any territory or posses-
4 sion of the United States;

5 C. He must maintain his citizenship in the
6 United States; and

7 D. He has registered to vote under section 154.

8 **Sec. 14. 21-A MRSA §752, sub-§1, ¶A, as enacted**
9 **by PL 1985, c. 161, §6, is amended to read:**

10 A. At least 90 days before the election to which
11 they pertain, the Secretary of State shall fur-
12 nish each municipality with a reasonable number
13 of blank absentee ballots for the--exclusive use
14 of members of the Armed Forces and citizens out-
15 side the United States who have met the qualifi-
16 cations in section 751. These ballots shall be
17 similar to regular ballots, except that no candi-
18 date names may be printed. The Secretary of
19 State shall prepare a ballot listing all offices
20 to be selected with a space after each office to
21 write in the voter's preference. The following
22 instructions must be printed in bold type at the
23 top of the ballot: **YOU MAY VOTE FOR A PERSON BY**
24 **PLACING THAT PERSON'S NAME AND MUNICIPALITY OF**
25 **RESIDENCE IN THE BLANK SPACE UNDER THE PROPER OF-**
26 **FICE.**

27 **Sec. 15. 21-A MRSA §753, sub-§3, ¶B, as enacted**
28 **by PL 1985, c. 161, §6, is amended to read:**

29 B. The clerk may issue a 2nd absentee ballot to
30 an applicant, if the applicant requests one, in
31 person or in writing and:

32 (1) The applicant states good cause, in-
33 cluding, but not limited to, loss of, spoil-
34 ing of or damage to the first absentee bal-
35 lot; or

36 (2) An absentee ballot for the applicant
37 which was furnished to a designated 3rd per-
38 son is not returned to the clerk's office
39 within 5 business days of the date that bal-

1 lot was sent or delivered to the 3rd person
2 or of the date that 3rd person was notified
3 by the clerk that the ballot was available,
4 or by 10 a.m. on the day before election
5 day, whichever is earlier. If a ballot for
6 an applicant is not returned to the clerk
7 within 5 days of notification, then the
8 clerk shall mail a ballot to that applicant
9 on the 6th day after notification and shall
10 issue no other ballot to the applicant ex-
11 cept for good cause as provided in this sub-
12 section. This subparagraph shall not be
13 construed to affect the time for delivery of
14 absentee ballots under section 755.

15 **Sec. 16. 21-A MRSA §906, first ¶, as enacted by**
16 **PL 1985, c. 161, §6, is amended to read:**

17 The Secretary of State shall prepare the ballots
18 for referendum questions according to the following
19 provisions, subject to the authority contained in
20 section 604-A.

21 **Sec. 17. 21-A MRSA §1014, sub-§1, as enacted by**
22 **PL 1985, c. 161, §6, is amended to read:**

23 1. Authorized by candidate. Whenever any person
24 makes an expenditure to finance communications ex-
25 pressly advocating the election or defeat of a clear-
26 ly identified candidate through broadcasting sta-
27 tions, newspapers, magazines, outdoor advertising fa-
28 cilities, direct mails and other similar types of
29 general public political advertising and through
30 flyers, handbills, bumper stickers and other
31 nonperiodical publications, the communication, if au-
32 thorized by a candidate, a candidate's authorized po-
33 litical committee or their agents, must clearly and
34 conspicuously state that the communication has been
35 so authorized and must clearly state the name and ad-
36 dress of the person who made or financed the expendi-
37 ture for the communication.

38 An expenditure which results in a violation of this
39 subsection may result in a penalty of no more than
40 \$100 if the violation is not corrected within 10 days
41 after the candidate receives notification of the vio-
42 lation from the commission. Enforcement and collec-

1 tion procedures shall be in accordance with section
2 1020.

3 Sec. 18. 30 MRSA §2063, first ¶, is amended to
4 read:

5 Upon written application of any candidate for a
6 municipal office within 3 days after the result of a
7 city election or an election under section 2061 has
8 been declared, the clerk shall permit him or his
9 agent to inspect the ballots under proper protective
10 regulations, subject to the requirement in Title
11 21-A, section 736.

12 Sec. 19. 30 MRSA §2064, first ¶ is amended to
13 read:

14 A candidate for any municipal office who has
15 first inspected the ballots according to section 2063
16 may obtain a recount of the votes cast for that of-
17 fice, subject to the requirement in Title 21-A, sec-
18 tion 737, subsection 3-A.

1 STATEMENT OF FACT

2 This new draft replaces section 2 of the original
3 bill which would have repealed current law restrict-
4 ing a person under guardianship because of mental
5 illness from voting. Instead a reference to the
6 Maine Constitution having the same restriction is
7 added.

8 The new draft adds a provision for formal notifi-
9 cation to the Legislature of the results of a refer-
10 endum so that results can be published in the Laws of
11 Maine.

12 The new draft amends the law in the Maine Revised
13 Statutes, Title 21-A, sections 604-A and 906 so that
14 in certain situations candidate, referendum, and mu-
15 nicipal elections ballots can be printed on a single
16 paper ballot. This change is necessary for flexibil-
17 ity in printing ballots for certain new types of vot-
18 ing systems.

19 The new draft adds language to section 7 of the
20 original bill which defines the facilities having
21 residents who would be eligible to vote absentee.

22 The new draft adds a provision to section 9 of
23 the original bill that would require the municipal
24 clerk to mail an absentee ballot to an applicant if
25 the person who was designated to pick up the absentee
26 ballot does not return the ballot within 6 days after
27 notification that the ballot was ready.

28 The new draft deletes section 10 of the original
29 bill and replaces it with a general violation provi-
30 sion for situations where the candidate's authoriza-
31 tion is not printed on communications authorized by
32 the candidate. The provision allows a penalty of no
33 more than \$100 if an expenditure resulting in a vio-
34 lation is not corrected within 10 days of notifica-
35 tion. The penalty for violation of the subsection on
36 communications not authorized by the candidate, which
37 is a Class E crime, has not been changed by this new
38 draft.

39 This new draft clarifies that a citizen who is

1 living overseas may vote indefinitely in state and
2 federal elections if he meets all the qualifications
3 in this subchapter.

4 The new draft also allows the Secretary of State
5 to provide each municipality with absentee ballots 90
6 days before an election for the use of all overseas
7 citizens. Currently, the municipalities receive ab-
8 sentee ballots 90 days before an election for the ex-
9 clusive use of military personnel.

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