

l	L.D. 2084
2	(Filing No. H-449)
3	STATE OF MAINE
4	HOUSE OF REPRESENTATIVES
5	113TH LEGISLATURE
6	SECOND REGULAR SESSION
7	COMMITTEE AMENDMENT "A" to H.P. 1530, L.D. 2084,
8	Bill, "AN ACT Concerning Elected Clerks Handling
9	Absentee Ballots."
10 11	Amend the Bill by inserting after the Title the following:
12	'Emergency preamble. Whereas, Acts of the
13	Legislature do not become effective until 90 days
14	after adjournment unless enacted as emergencies; and
15	Whereas, preparations for the absentee balloting
16	process are already underway to allow for the timely
17	printing and delivery of these ballots in advance of
18	when they are needed for municipal elections this
19	spring; and
20	Whereas, under Public Law 1987, chapter 364, which
21	was enacted in the First Regular Session of the 113th
22	Legislature, municipal clerks who are also candidates
23	who will be elected by written ballot subject
24	themselves to Class D criminal penalties if they in
25	any way "handle" absentee ballots; and
26	Whereas, this new law is severely hampering
27	elected clerks' ability to conduct their traditional
28	and necessary supervision of the absentee balloting
29	process; and

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1 Whereas, this law must, at the earliest possible 2 opportunity, be repealed for those clerks who are 3 candidates for their office in uncontested elections 4 to ensure that they may perform their official duties 5 this spring; and

6 Whereas, in the judgment of the Legislature, these 7 facts create an emergency within the meaning of the 8 Constitution of Maine and require the following 9 legislation as immediately necessary for the 10 preservation of the public peace, health and safety; 11 now, therefore,'

Further amend the Bill in paragraph B by striking out all of the last sentence and inserting in its 12 13 14 place the following: 'This paragraph does not apply to an elected municipal clerk who is a candidate for 15 16 the office of municipal clerk in an election where no other name for the office of clerk appears on the 17 other name for the office of clerk appears on the ballot. In a contested election for the office of clerk, a clerk shall not be exempted from the provisions of this paragraph, but shall instead appoint a deputy or an assistant to whom the muncipality shall pay all associated costs for the duration of the deputy's or assistant's temporary employment in that capacity; or' 18 19 20 21 22 23 24

25 Further amend the Bill by inserting at the end 26 before the statement of fact the following:

27 'Emergency clause. In view of the emergency 28 cited in the preamble, this Act shall take effect when 29 approved.'

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STATEMENT OF FACT

31 Current law subjects all candidates for public 32 office, including those clerks who are elected, to 33 Class D criminal penalties for "handling" absentee 34 ballots.

The original bill sought to amend this law by exempting all elected municipal clerks from the Class D criminal sanctions which could otherwise be imposed on them.

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COMMITTEE AMENDMENT "A" to H.P. 1530, L.D. 2084

This amendment also seeks to amend current law. 1 Rather than exempting all elected clerks, it would exempt only those clerks who are candidates in an 2 3 uncontested election in an effort to avoid even the 4 5 In this appearance of impropriety. addition, 6 amendment clarifies that in a contested election, 7 where clerks are to remain subject to Class D criminal penalties, the municipality must pay for the cost of a deputy or assistant clerk who can perform the 8 9 necessary services in the elected clerk's place. 10

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