

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 545

H.P. 401

House of Representatives, March 3, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

STATE OF MAINE

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

An Act to Clarify Election Law Procedures.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 21-A MRSA §§6 and 7** are enacted to read:

5 **§6. Date falling on holiday**

7 When the date on which an act must be performed or an event
8 must take place falls on a Saturday, Sunday or legal holiday, the
9 act shall be performed or the event shall take place on the next
10 following business day.

11

12 **§7. Use of words**

13

14 When used in this Title, the words "shall" and "must" are
15 used in a mandatory sense to impose an obligation to act or
16 refrain from acting in the manner specified by the context. The
17 word "may," when used in this Title, is used in a permissive
18 sense to grant authority or permission, but not to create duty,
19 to act in the manner specified by the context. When used in this
20 Title, the term "may not" indicates a lack of authority or
21 permission to act or refrain from acting in the manner specified
22 by the context, whereas the term "shall not" indicates a duty to
23 refrain from action or omission in the manner specified by the
24 context.

25

26 **Sec. 2. 21-A MRSA §337, sub-§2, ¶A,** as enacted by PL 1985, c.
27 161, §6, is amended to read:

28

29 A. Only a registered voter residing in the electoral
30 division of the candidate concerned may file a challenge.
31 The challenge must be in writing and must set forth the
32 reasons for the challenge. The challenge must be filed in
33 the office of the Secretary of State before 5 p.m. on the
34 5th business day after the final date for filing petitions
35 under section 335, subsection 8.

36

37 **Sec. 3. 21-A MRSA §355, sub-§3,** as enacted by PL 1987, c. 214,
38 §2, is amended to read:

39

40 3. **Residence declared.** The consent must contain a
41 declaration of the candidate's place of residence which the
42 candidate must verify by oath or affirmation before a notary
43 public or other person authorized by law to administer oaths or
44 affirmations that the declaration is true. If any part of the
45 declaration is found to be false by the Secretary of State ~~prior~~
46 ~~to the date of~~ before the general election, the consent and the
47 nomination petition are void, pursuant to challenge procedures in
48 section 356.

49

50 **Sec. 4. 21-A MRSA §356, sub-§2, ¶A,** as enacted by PL 1985, c.
51 161, §6, is amended to read:

1 A. Only a registered voter residing in the electoral
3 division of the candidate concerned may file a challenge.
5 The challenge must be in writing and must set forth the
7 reasons for the challenge. The challenge must be filed in
the office of the Secretary of State by 5 p.m. on the 5th
business day after the final date for filing petitions under
section 354, subsection 8.

9 **Sec. 5. 21-A MRSA §752, sub-§1, ¶A,** as amended by PL 1987, c.
11 188, §14, is further amended to read:

13 A. At least 90 days before the election to which they
15 pertain, the Secretary of State shall furnish each
17 municipality with a reasonable number of blank absentee
19 ballots for use ~~ef~~ by members of the Armed Forces and
21 citizens outside the United States who have met the
23 qualifications in section 751. These ballots shall be
similar to regular ballots, except that no candidate names
may be printed. The Secretary of State shall prepare a
ballot listing all offices to be selected with a space after
each office to write in the voter's preference. The
following instructions must be printed in bold type at the
top of the ballot: **YOU MAY VOTE FOR A PERSON BY PLACING
25 WRITING IN THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE
OR BY INDICATING THE PARTY OF CHOICE IN THE BLANK SPACE
UNDER THE PROPER OFFICE.**

27 **Sec. 6. 21-A MRSA §803,** as enacted by PL 1985, c. 161, §6, is
29 amended to read:

31 **§803. Duties of Governor**

33 As soon as possible after the presidential electors are
35 chosen, the Governor shall send a certificate of the
determination of the electors to the ~~administrater-of-general~~
37 services Archivist of the United States under the state seal. The
certificate shall state the names of the electors and the number
of votes which each received. The Governor shall deliver 6
39 ~~original-duplicates-of-the-same-certificate~~ certificates under
the state seal to the electors on or before the first Monday
41 after the 2nd Wednesday of December, following their election.

43 **Sec. 7. 21-A MRSA §805, sub-§4,** as enacted by PL 1985, c. 161,
45 §6, is repealed.

47 **Sec. 8. 21-A MRSA §805, sub-§4-A** is enacted to read:

49 4-A. Certificates sent immediately. The presidential
electors shall send immediately by registered mail one
certificate to the President of the Senate of the United States
and 2 certificates to the Archivist of the United States in
51 Washington, D.C. The presidential electors shall deliver 2

1 certificates to the Secretary of State, who shall hold one of
3 them subject to the order of the President of the Senate of the
5 United States and shall retain the other for public inspection
7 for one year. The presidential electors shall deliver one
9 certificate to the Chief Judge of the United States District
11 Court for the District of Maine.

13 Sec. 9. 21-A MRSA §805, sub-§5, as enacted by PL 1985, c. 161,
15 §6, is repealed.

17 Sec. 10. 21-A MRSA §1017, sub-§6, as enacted by PL 1985, c.
19 161, §6, is amended to read:

21 6. Forms. Reports required by this section must be on forms
23 prescribed by the commission, prepared by the Secretary of State
25 and sent by the commission, prepared and sent by the commission
27 to the candidate at least 7 days before the filing date for the
29 report. Persons filing reports may use additional pages if
31 necessary, but the pages must be the same size as the pages of
33 the form. Although the commission mails the forms for required
35 reports, failure to receive forms by mail does not excuse
37 committees, candidates and other persons who must file reports
39 from otherwise obtaining the forms.

41 STATEMENT OF FACT

43 The purpose of this bill is to clarify the meaning and
45 application of existing election laws and to amend those laws to
47 conform with changes in federal law.

49 Section 1 of the bill specifies that when the date on which
51 an act or event is scheduled to be done or take place falls on a
weekend or legal holiday, the act or event will be done or take
place on the next business day. Section 1 also defines the sense
in which the terms "shall," "must," "may," "may not" and "shall
not" are used in the Maine Revised Statutes, Title 21-A.

Sections 2 and 4 of the bill make it clear that challenges
to primary and nomination petitions, respectively, must be filed
by the 5th business day after the deadline for filing petitions.

Section 3 of the bill amends Title 21-A, section 355, to
clarify that section's application to candidates with no party
affiliation.

Sections 5 to 9 of the bill amend sections 752, 803 and 805
of Title 21-A, respectively, to conform those sections to federal
law.

1 Section 10 of the bill amends section 1017 of Title 21-A to
make the Commission on Governmental Ethics and Election Practices
3 solely responsible for preparation and distribution of
candidates' reporting forms.