

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 749, L.D. 1053, Bill, "An Act to Clarify Certain Election Laws"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §103, sub-§§1 and 5, as enacted by PL 1985, c. 161, §6, are amended to read:

1. **Population of 5,000 or over.** In a city or town which that has a population of 5,000 or over, a board of registration consisting of 3 members shall must be appointed as follows: One member nominated by the municipal committee of each of the major political parties, who must be enrolled in the party of the municipal committee that nominates him the member and appointed by the municipal officers, and the 3rd member nominated by the clerk of the municipality and appointed by the municipal officers. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the political committee nominating them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the board of registration, it shall also nominate an alternate board member, who shall serve if the member nominated by the municipal committee is or becomes unable to serve.

5. **Vacancy.** When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of ~~chairman~~ the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies shall must be filled for the remainder of the term of office.'

2 Further amend the bill in section 9 in subsection 2 in the
last line (page 3, line 24 in L.D.) by adding after the
4 following: "voter list" the following: 'solely'

6 Further amend the bill by adding after section 9 the
following:

8
10 'Sec. 10. 21-A MRSA §171, sub-§1, ¶B, as amended by PL 1985,
c. 383, §6, is further amended to read:

12 B. Residence address, including street, street number,
apartment number, town, county and zip code;

14
16 Sec. 11. 21-A MRSA §171, sub-§7, ¶G, as amended by PL 1985, c.
614, §13, is further amended to read:

18 G. Whether a citizen by birth or naturalization, ~~---If---by~~
naturalization, ~~the date, place and court of naturalization;~~

20
22 Further amend the bill in section 11 in that part designated
"§367." in the last line (page 3, line 52 in L.D.) by inserting
after the following: "withdraw" the following: 'and the reason
24 for withdrawal'

26 Further amend the bill by striking out all of section 12 and
inserting in its place the following:

28
30 'Sec. 12. 21-A MRSA §376, sub-§§1 and 2, as repealed and
replaced by PL 1989, c. 341, §3, are amended to read:

32 1. Federal or gubernatorial office. If a candidate or
nominee for a federal or gubernatorial office withdraws less than
34 40 45 days before any election, the Secretary of State is not
required to produce new ballots.

36
38 2. Certain state offices. The Secretary of State is
required to produce new ballots only if a candidate for an
office, other than United States Senator, Representative to
40 Congress or Governor, withdraws in accordance with section 374-A,
subsection 1, paragraph A, B or C, a replacement candidate is
42 nominated and a notification is filed with the Secretary of State
by the appropriate committee of the political party making the
44 nomination no later than 45 days before the election.'

46 Further amend the bill by inserting after section 24 the
following:

48
50 'Sec. 25. 21-A MRSA §752, sub-§3, as amended by PL 1985, c.
357, §§9 and 19, is further amended to read:

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2 3. **Form of envelope.** The return envelope in which the
absentee ballot is to be placed must include on its outside a
conspicuously printed summary warning to the voter of the
4 provisions of section 758, section 791, subsection 1, paragraphs
A- and paragraph C, and Title 17-A, section 703. The envelope
6 must also include on its outside a place for a statement of the
reason for requesting an absentee ballot and an affidavit to be
8 signed by the voter. The envelope must also include on its
outside and a certification to be completed and signed by an aide
10 who assists a voter under section 754-A, subsection 3.'

12 Further amend the bill in section 25 in subsection 3 in the
18th line (page 9, line 13 in L.D.) by striking out the
14 following: "40" and inserting in its place the following: '40 10'

16 Further amend the bill by inserting after section 26 the
following:

18 'Sec. 27. 21-A MRSA §759, sub-§1, as enacted by PL 1985, c.
20 161, §6, is repealed and the following is enacted in its place:

22 1. Warden to review notes of clerk. Unless a request to
inspect applications and envelopes is made pursuant to subsection
24 8, the warden shall review the notes of the clerk on each return
envelope as soon as the polls are closed and the regular ballots
26 removed from the ballot box.'

28 Further amend the bill by striking out all of section 27 and
inserting in its place the following:

30 'Sec. 27. 21-A MRSA §759, sub-§§7 and 8 are enacted to read:

32 7. Processing before close of polls. If notice is given
following the procedure in section 621 that the clerk intends to
34 begin process after 2:00 p.m. on election day, the warden may
review the notes of the clerk on each return envelope and deposit
36 the absentee ballots into the ballot box before the close of the
polls.

38 8. Inspection after polls close. If a candidate notifies
the warden before 8:00 p.m. that the candidate wishes to inspect
40 absentee ballot applications and envelopes after the polls close,
the warden shall allow the candidate to inspect the applications
42 and envelopes of ballots that have not yet been deposited into
the ballot box for 30 minutes after the polls close.'

44 Further amend the bill by inserting after section 29 the
following:

46 'Sec. 30. 21-A MRSA §764, as enacted by PL 1985, c. 161, §6,
48 is amended to read:

2 §764. Applications and envelopes as public records

4 Absentee ballot applications and absentee ballot return
6 envelopes are public records until the close of voting on
8 election day. After that time, except as provided in section
10 759, subsection 8, the applications and envelopes are not public
12 records and may be inspected only in accordance with this Title.

14 Sec. 31. 21-A MRSA §791, sub-§1, ¶A, as amended by PL 1985, c.
16 357, §§18 and 19, is repealed.

18 Sec. 32. 21-A MRSA §1014, sub-§4, as enacted by PL 1989, c.
20 504, §§6 and 31, is amended to read:

22 4. Enforcement. An expenditure, communication or broadcast
24 made within 10 days before the election to which it relates that
26 results in a violation of this section may result in a civil
28 penalty of no more than \$200. An expenditure, communication or
30 broadcast which made more than 10 days before the election that
32 results in a violation of this section may result in a civil
34 penalty of no more than \$100 if the violation is not corrected
36 within 10 days after the candidate receives notification of the
38 violation from the commission. Enforcement and collection
40 procedures shall must be in accordance with section 1020.'

42 Further amend the bill by renumbering the sections to read
44 consecutively.

46 Further amend the bill by inserting at the end before the
48 statement of fact the following:

50 **FISCAL NOTE**

52 This bill increases the penalty for expenditure,
54 communication or broadcast without the proper disclosure within
56 10 days of an election. There will be a minor increase in
58 General Fund revenue from the collection of additional
60 penalties. The costs associated with enforcement and collection
62 will be absorbed within the budgeted resources of the Commission
64 on Governmental Ethics and Election Practices and the Department
66 of the Secretary of State.'

68 **STATEMENT OF FACT**

70 This amendment makes the following changes in the bill:

72 1. Clarifies that a person's name may not be removed from a
74 voting list solely because the person has not voted in previous
76 elections;

