

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

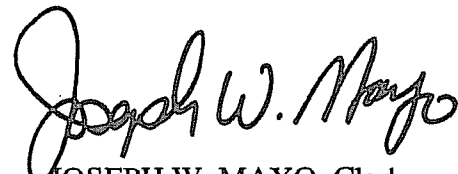
No. 675

H.P. 517

House of Representatives, February 25, 1993

An Act to Amend Election Laws.

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


JOSEPH W. MAYO, Clerk

Presented by Representative DiPIETRO of South Portland.
Cosponsored by Representatives: CARON of Biddeford, PLOURDE of Biddeford, REED of
Dexter, TARDY of Palmyra, Senator: BUTLAND of Cumberland.

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

2 **Sec. 1. 21-A MRSA §1, sub-§20**, as enacted by PL 1985, c. 161,
4 §6, is amended to read:

6 **20. Immediate family.** "Immediate family" means a person's
8 spouse, parent, child, sister ~~or~~, brother, mother-in-law,
father-in-law, brother-in-law, sister-in-law, son-in-law or
10 daughter-in-law.

12 **Sec. 2. 21-A MRSA §103, sub-§1**, as amended by PL 1991, c. 862,
§1, is further amended to read:

14 **1. Population of 5,000 or more.** In a city or town that has
16 a population of 5,000 or ~~over~~ more, a board of registration
18 consisting of 3 members must be appointed as follows: The
municipal committee of each of the major political parties shall
nominate one member, who must be enrolled in the party of the
municipal committee that nominates the member, and the municipal
20 officers shall appoint the persons nominated by the municipal
committees and the 3rd member must be nominated by the clerk of
22 the municipality and appointed by the municipal officers. The
clerk of the municipality may give the municipal committees of
24 the political parties a list of qualifications reasonably
necessary for a person to fulfill the duties of the board of
26 registration, and the municipal committees shall ~~take--these~~
~~qualifications--into--consideration--when--nominating~~ nominate
28 ~~members to the board~~ who meet the clerk's qualifications. The 2
members of the board nominated by the municipal committees of the
30 major political parties may be members of ~~the political committee~~
~~nominating them and of the county or state committees of the~~
32 ~~political party that nominates them and may be members of a state~~
or county delegation to a political convention. When a municipal
34 committee nominates a member to the board of registration, it
shall also nominate an alternate board member, who shall serve if
36 the member nominated by the municipal committee is or becomes
unable to serve.

38 **Sec. 3. 21-A MRSA §104, first ¶**, as enacted by PL 1985, c. 161,
40 §6, is amended to read:

42 By unanimous majority action, the board of registration may
44 appoint one or more deputies to serve the board.

46 **Sec. 4. 21-A MRSA §384, first ¶**, as enacted by PL 1985, c. 161,
§6, is amended to read:

48 The municipal officers shall ~~shall~~ may appoint a qualified person
50 to fill a vacancy in the office of any election official.

52 **Sec. 5. 21-A MRSA §502**, as enacted by PL 1985, c. 161, §6, is
amended to read:

2 **§502. Duties and vacancies of ward clerk**

4 In the event of a vacancy in the office of warden or in the
6 absence or incapacity of the warden, the ward clerk may perform
8 the duties of the warden. A vacancy in the office of ward clerk
10 shall must be filled by an election clerk appointed by the
12 warden. This Except when an election to the position of ward
14 clerk is nonpartisan and no party affiliation is required, an
16 election clerk appointed by the warden must be enrolled in the
18 same political party as the ward clerk and shall serve as ward
20 clerk pro tem.

22 **Sec. 6. 21-A MRSA §694**, as enacted by PL 1985, c. 161, §6, is
24 amended to read:

26 **§694. Voting list signed**

28 ~~As soon as the polls have closed, the~~ The warden and one
30 election clerk from each party shall sign the incoming voting
32 list as soon as the names of all persons who have voted,
34 including persons who have voted by absentee ballot, have been
36 checked off.

38 **Sec. 7. 21-A MRSA §697**, as enacted by PL 1985, c. 161, §6, is
40 amended to read:

42 **§697. Disqualification of ballots**

44 ~~Any person engaged at any~~ election as ~~a~~ official, ballot
46 clerk, assistant ballot clerk or any person employed as a counter
48 of ballots must shall use pens a pen or ~~pencils~~ a pencil
50 containing only red ink or red lead.

52 **Sec. 8. 21-A MRSA §739**, as enacted by PL 1985, c. 161, §6, is
54 amended to read:

56 **§739. Ballots and incoming voting lists available for**
58 **inspection**

60 ~~On~~ In addition to the rights of candidates in any inspection
62 or recount pursuant to sections 736 and 737 or Title 30-A,
64 sections 2530 and 2531, upon request, a municipal clerk or the
66 Secretary of State, or both, shall produce any ballots or
68 incoming voting lists in ~~his~~ that person's custody before the
70 Governor, the Commission on Governmental Ethics and Election
72 Practices, either branch of the Legislature, any legislative
74 committee or any court of competent jurisdiction.

76 After the time for completion of recounts following any
78 election has elapsed, and ~~on~~ upon request of any person, the
80 clerk of any municipality or the Secretary of State, or both,

2 shall produce any incoming voting lists in his that person's
3 custody. The right of any person to inspect the incoming voting
4 list after the time for completion of recounts is in addition to
5 the rights of candidates to inspect the incoming voting list
6 during inspections and recounts pursuant to this Title and Title
7 30-A.

8 **Sec. 9. 21-A MRSA §759, first ¶,** as enacted by PL 1985, c. 161,
9 §6, is amended to read:

10 The following counting procedure shall ~~shall~~ must be observed at
11 each voting place, except those that use electronic voting
12 systems, and is governed by section 858-A.

13 **Sec. 10. 21-A MRSA §842, sub-§4,** as enacted by PL 1985, c.
14 161, §6, is amended to read:

15 **4. Provided by municipality.** In those municipal voting
16 districts using ~~electronic~~ electronic voting systems machines, the municipal
17 officers of each municipality must provide at least one voting
18 device machine for each 250, or fraction exceeding 1/2 of that
19 number, of the voters qualified to vote at each voting place.

20 **Sec. 11. 21-A MRSA §858,** as enacted by PL 1985, c. 161, §6,
21 is repealed.

22 **Sec. 12. 21-A MRSA §858-A** is enacted to read:

23 **§858-A. Counting procedure for absentee ballots**

24 The following counting procedure for absentee ballots must
25 be observed at each voting place that uses electronic voting
26 systems.

27 **1. Warden to review notes of clerk.** Unless a request to
28 inspect applications and envelopes is made pursuant to subsection
29 8, the warden shall review the notes of the clerk on each return
30 envelope as soon as the polls are closed and the regular ballots
31 removed from the ballot box.

32 **2. Accepted if correct.** If the warden finds that the
33 affidavit is properly completed, that the clerk has verified that
34 the signature on the envelope matches the signature on the
35 application where applicable, that the person is registered and
36 enrolled where necessary, the warden or another election official
37 designated by the warden shall then announce the name of each
38 absentee voter to an election clerk who shall verify on the
39 incoming voting list that the voter has not voted in person and
40 after verification write "AV" next to the absentee voter's name
41 on the incoming voting list. The warden or the warden's designee
42 shall then remove the ballot from its envelope without destroying
43 the envelope.

- 2 1. Broadens the definition of "immediate family" to include
in-laws;
- 4 2. Amends the qualifications for members of a board of
6 registration in a municipality with a population of 5,000 or more;
- 8 3. Allows a board of registration to appoint deputies by
majority rather than unanimous action;
- 10 4. Allows rather than requires municipal officers to
12 appoint a person to fill the office vacancy of an election
official;
- 14 5. Allows a ward clerk to perform the duties of warden if
16 there is a vacancy in that office;
- 18 6. Requires that an election clerk appointed by a warden to
20 fill a vacancy in the office of ward clerk must be enrolled in
the same political party as the ward clerk unless the election
22 position of ward clerk is nonpartisan;
- 24 7. Amends timing for signing incoming voting lists to
require signing by the warden and one election clerk as soon as
26 the names of all voters, including absentee voters, are checked
off;
- 28 8. Provides that an election official must use only red ink
or red lead;
- 30 9. Provides that the right to inspect the ballots and
32 incoming voter lists under the Maine Revised Statutes, Title
21-A, section 739 is in addition to other inspection or recount
34 rights under Title 21-A and Title 30-A;
- 36 10. Amends the law to require at least one voting machine
rather than one electronic voting device for each 250 voters; and
- 38 11. Provides for new counting procedures for counting
40 absentee ballots at voting places using electronic voting systems.