

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1477

(Filing No. S- 298)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 478, L.D. 1477, Bill, "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"

Amend the amendment by striking out everything after the title and before the fiscal note and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 21-A MRSA §674, sub-§2, ¶B, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 2. 21-A MRSA §674, sub-§3 is enacted to read:

3. Class C crime. A person commits a Class C crime if that person:

A. Tamper with ballots or voting lists or opens or breaks a seal of a sealed box or package of ballots or voting lists with the intent of changing the outcome of any election, except as permitted by this Title.

Sec. 3. 21-A MRSA §698, sub-§2, as amended by PL 1987, c. 188, §6, is repealed.

Sec. 4. 21-A MRSA §698, sub-§§2-A and 2-B are enacted to read:

2-A. Used ballots placed in tamper-proof containers. The election clerks shall place the sealed packages of used ballots,

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2 envelopes containing challenge certificates, spoiled ballots,
3 defective ballots, void ballots, used absentee ballots, used
4 absentee envelopes and used absentee applications in tamper-proof
5 ballot containers. The ballot containers must be furnished by
6 the Secretary of State.

7 A tamper-proof ballot container must be sealed before leaving the
8 precinct with a numbered seal that must correlate with a
9 certificate identifying the person sealing the container and the
10 time of the sealing. The seals and identifying certificates must
11 be furnished by the Secretary of State.

12 A. Transfer and resealing of the ballots to other
13 containers for permanent storage must be done 60 or more
14 days following the election. The municipal clerk shall make
15 the transfer in the presence of one representative from each
16 of the major political parties. The containers must be
17 securely sealed.

18 2-B. Unused ballots placed in containers. At the close of
19 the polls, all unused, unsealed absentee and regular ballots must
20 be voided by a physical mark unless all voted ballots have been
21 validated in the course of the election. All sealed ballots must
22 remain sealed and be wrapped with tamper-proof tape. All unused
23 ballots, including both the unsealed and the sealed ballots, must
24 be placed in the containers in which the regular ballots were
25 delivered. The containers containing the unused ballots must be
26 clearly marked to indicate that the containers contain unused
27 ballots. These ballots must be stored separately from the used
28 ballots.

29 Sec. 5. 21-A MRSA §737, sub-§3, as enacted by PL 1985, c.
30 161, §6, is repealed.

31 Sec. 6. 21-A MRSA §737, sub-§3-B is enacted to read:

32 3-B. Recount; counting of ballots. Once a recount is
33 requested, the Secretary of State shall notify the State Police,
34 who shall take physical control of all ballots and related
35 materials involved in the recount as soon as possible.

36 The State Police shall store and maintain exclusive control over
37 the ballots and other materials pending and during the recount
38 except when the counting is being conducted by the Secretary of
39 State.

40 Sec. 7. 21-A MRSA §829, as enacted by PL 1985, c. 161, §6, is
41 amended to read:

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§829. Violation and penalty

Any person who alters, adjusts, operates, moves, unlocks or unseals a voting machine or any part of a voting machine, or who attempts such an act, with the intent of changing the outcome of any election ~~is-guilty-of~~ commits a Class D C crime.'

STATEMENT OF FACT

This amendment replaces the committee amendment and:

1. Increases the penalty for ballot tampering from Class D to Class C;

2. Retains provisions of the committee amendment regarding ballot security;

3. Requires the State Police to take custody of ballots during a recount; and

4. Increases the penalty for tampering with voting machines from Class D to Class C.

(Senator CAREY)
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COUNTY: Kennebec

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