

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

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 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 §1, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Absentee voter. "Absentee voter" means a person who ~~qualifies under section 751 to cast~~ requests an absentee ballot under section 751-A.

Sec. 2. 21-A MRSA §1, sub-§38, as enacted by PL 1985, c. 161, §6, is amended to read:

38. Registrar. "Registrar" means the registrar, or deputy registrar ~~or the board of registration of voters~~ of a municipality.

Sec. 3. 21-A MRSA §31, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 4. 21-A MRSA §§32 and 33 are enacted to read:

§32. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

2 A. Knowingly violates a provision of this Title for which
no penalty has been provided; or

4 B. Knowingly displays or distributes political
advertisements in or on state-owned or state-leased property.

6 This paragraph does not apply to acts on state highways or
8 to displays on motor vehicles not owned by the State while
10 temporarily parked in parking areas on land maintained by
12 the State. This paragraph does not apply to acts in or on a
14 state-owned or state-leased building for a period beginning
48 hours before and ending 48 hours after that building is
used by a political party to conduct a political activity
within the building.

16 2. Class D crime. A person commits a Class D crime if that
18 person:

20 A. Is a public official and knowingly fails or refuses to
perform a duty required of that official under this Title.

22 **§33. Prosecution of violations**

24 The Attorney General shall designate a Deputy Attorney
26 General or an Assistant Attorney General to investigate and
prosecute alleged violations of the election laws. This section
28 does not preclude a district attorney from investigating and
prosecuting election law violations.

30 **Sec. 5. 21-A MRS §101, first ¶,** as enacted by PL 1985, c. 161,
32 **§6,** is repealed and the following enacted in its place:

34 Within 5 days after the regular election of municipal
officers, the municipal clerk shall nominate a qualified person
36 to be registrar of voters. The nominee may be the municipal
clerk. Within 25 days after the nomination, the municipal
38 officers may accept the nomination and appoint in writing the
registrar of voters or may reject the nomination and request a
new nomination from the municipal clerk.

40 **Sec. 6. 21-A MRS §102,** as enacted by PL 1985, c. 161, §6, is
42 amended to read:

44 **§102. Deputy registrar**

46 ~~The registrar may appoint one or more deputies.~~ In a city
or town that has a population of fewer than 10,000, the registrar
48 may appoint one or more qualified persons to serve as deputies in
accordance with this section. In a city or town that has a
50 population of 10,000 or more, the registrar shall appoint one or

2 more qualified persons to serve as deputies in accordance with
3 this section. If the registrar is to be absent from the a
4 registrar shall appoint a deputy registrar or deputy registrars
5 who must be physically present in the municipality. If the
6 registrar and his the appointed deputy or deputies are absent
7 from the municipality for more than 15 consecutive days, the
8 clerk shall-serve serves as registrar pro tem.

10 **1. Qualifications and compensation.** Section 101,
11 subsections 1, 3 and 5, apply to a deputy registrar.

12 **2. Term of office.** ~~He shall-serve~~ The deputy serves at the
13 will of the registrar.

14 **3. Duties.** ~~He~~ The deputy may perform any of the duties of
15 office prescribed by the registrar.

16 **4. Appointment process; balance.** Thirty days prior to
17 making the appointments, the registrar shall post notice of
18 intention to appoint and shall notify the political party of the
19 person under consideration for appointment. The political party
20 may by a vote of 2/3 of the members present and voting reject the
21 person under consideration for appointment and request a new name
22 from the registrar. The deputies must be selected so that the
23 number of deputies from a political party or from the list of
24 unenrolled voters does not exceed the number of deputies from
25 another political party or from the list of unenrolled voters by
26 more than one except that this provision does not prevent the
27 selection of an adequate number of deputies in the event there
28 are insufficient qualified persons willing to serve as deputies
29 from a political party or from the unenrolled voters.

30 **Sec. 7. 21-A MRSA §103,** as amended by PL 1991, c. 862, §§1
31 and 2, is repealed.

32 **Sec. 8. 21-A MRSA §104,** as enacted by PL 1985, c. 161, §6, is
33 repealed.

34 **Sec. 9. 21-A MRSA §112, sub-§1,** as enacted by PL 1985, c. 161,
35 §6, is amended to read:

36 **1. Residence.** The residence of a person is that place in
37 which his the person's habitation is fixed,--and--to--which,
38 whenever he is absent, he has the intention to return. A person
39 may have a nontraditional residence, including but not limited to
40 a shelter, park or underpass. A person's residency is not
41 subject to challenge on the sole basis that the person has a
42 nontraditional residence.

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Sec. 10. 21-A MRSA §121, sub-§1-A is enacted to read:

1-A. Identification and proof. Registrations taken by outside agencies or through the mail must be received in the registrar's office by the close of business 15 days before election day in order for the persons who registered to appear on the voter list as registered for the election.

A person who registers during the 15 days before election day or on election day shall register in person and show proof of identity and residency. If satisfactory proof can not be provided to the registrar or deputy, the person casts a challenged ballot.

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Sec. 11. 21-A MRSA §129, sub-§2, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

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A. In a municipality which that has more than one voting district, if a voter has changed his the voter's address and votes absentee after the close of registration, he that voter must send a written notice of his the new address along with his the voter's absentee application notifying the ~~board-of-registration~~ registrar of his the new address. A certificate containing his the voter's name and new address shall must be directed to the warden of his the voter's new voting place to be attached to the incoming voting list on election day.

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Sec. 12. 21-A MRSA §152, sub-§§2 and 3, as enacted by PL 1985, c. 161, §6, are amended to read:

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2. Placement on voting list. Upon receipt of the application by the registrar of voters ~~or--the--board--of--registration~~ when in open session, the applicant's name shall must be entered on the voting lists of the municipality.

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3. Failure to qualify. The registrar of voters ~~or--the--board--of--registration~~ may investigate any application and remove the voter's name from the list for failure to meet a voting requirement under this Title.

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Sec. 13. 21-A MRSA §154, sub-§1, as amended by PL 1991, c. 466, §§7 and 8, is further amended by amending the first paragraph to read:

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1. Application. A person qualified to register under section 111, subsections 1 and 2 ~~and section 751, subsection 8,~~ who is outside the United States may register and enroll by filing a federal postcard application or an application designed

2 by the Secretary of State and provided by the registrar
containing the following information:

4 **Sec. 14. 21-A MRSA §158**, as amended by PL 1985, c. 614, §12,
is further amended to read:

6 **§158. Municipal caucus**

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10 The registrar ~~ex-beard-of-registration~~ shall meet in session
on the day of official party caucuses at times designated by the
12 municipal officers to accept registrations and enrollments and
all persons so registered and enrolled may participate in their
party caucus.

14 **Sec. 15. 21-A MRSA §159, sub-§1**, as enacted by PL 1985, c.
16 161, §6, is amended to read:

18 1. **False statement or false oath.** A person who makes a
false statement or who takes a false oath before an official
20 concerning the qualifications of any person for registration or
enrollment and who does not believe the statement to be true is
22 ~~guilty-of~~ commits a Class -E- D crime.

24 **Sec. 16. 21-A MRSA §161, sub-§2**, as amended by PL 1991, c.
26 466, §10, is further amended to read:

28 2. **List current.** The registrar shall keep a list current
at all times by adding the names of new voters and by removing
the names of those who have died, moved from the municipality
30 ~~with-an-apparent-intention-of-abandoning-their-residence-in-the~~
~~municipality~~ or become disqualified to vote. When the registrar
employs the facilities of the United States Postal Service to
32 determine which voters have moved from the municipality and when
the United States Postal Service reports to the registrar that a
34 voter has moved from the address shown on the voting list without
having notified the United States Postal Service of a forwarding
36 address, the registrar shall remove the name of the voter from
the voting list and is not required to send, or to attempt to
38 send, a notice to the voter in accordance with section 162. The
registrar may not remove the name of a registered voter from the
voter list solely for not voting in previous elections.

42 The registrar may contact other municipalities within the
44 representative district or senatorial district in which the
46 registrar's municipality is apportioned to ascertain whether
48 voters on that municipality's voting list are also registered in
another municipality in the district.

50 **Sec. 17. 21-A MRSA §167**, as enacted by PL 1985, c. 161, §6,
is amended to read:

2 §167. Violation and penalty

4 A person who places or removes the name of another on or
6 from a voting list or general register, knowing he that person
has no legal right to do so ~~is guilty of~~, commits a Class -E- C
crime.

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10 Sec. 18. 21-A MRSA §503, sub-§1, as amended by PL 1991, c.
466, §18, is repealed and the following enacted in its place:

12 1. Appointment; balance. The municipal clerk of each
14 municipality shall appoint election clerks for each polling place
no later than May 1st of each general election year. The
16 election clerks must be registered voters of the municipality in
18 which they are appointed. The clerk shall consider persons
20 nominated by the local committees of the major political
22 parties. The election clerks must be selected so that the number
24 of election clerks from a political party or from the list of
unenrolled voters does not exceed the number of workers from
26 another political party or from the list of unenrolled voters by
more than one except that this provision does not prevent the
selection of an adequate number of election clerks in the event
there are insufficient qualified persons willing to serve as
election clerks from a political party or from the unenrolled
voters.

28 Sec. 19. 21-A MRSA §503, sub-§2, as amended by PL 1985, c.
314, is further amended to read:

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32 2. Number appointed. The municipal ~~officers~~ clerk shall
34 appoint 2 election clerks, who must be residents of the
municipality, for each voting place in each municipality.

36 A. ~~They~~ The municipal clerk may appoint additional election
38 clerks, if necessary, who are nominated as provided in
subsection 1.

40 B. ~~They~~ The municipal clerk shall appoint alternate
42 election clerks who are nominated as provided in subsection
1 and who may be called into service by the warden, as
needed, to fill a vacancy on election day.

44 C. The municipal clerk may appoint a sufficient number of
46 election clerks, ~~an equal number from each political party,~~
who are nominated as provided in subsection 1, to serve as
48 counters when the polls close. ~~Counters shall be paid a~~ are
entitled to receive reasonable compensation as determined by
50 the municipal officers.

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2 If the municipal committee clerk fails to nominate appoint a
sufficient number of election clerks, the municipal--clerk--or
4 municipal officers shall appoint the necessary number to fill the
vacancy on election day.

6 Sec. 20. 21-A MRSA §503, sub-§8 is enacted to read:

8 8. Training. The Secretary of State shall encourage
10 municipalities to provide training biennially to election
officials.

12 Sec. 21. 21-A MRSA §601, sub-§1, as enacted by PL 1985, c.
14 161, §6, is amended to read:

16 1. Arrangement. The ballot ballots must be arranged in one
column a manner that is as consistent and uniform as possible
18 throughout the State.

20 Sec. 22. 21-A MRSA §601, sub-§2, ¶A, as enacted by PL 1985, c.
161, §6, is amended to read:

22 A. ~~The following instructions~~ Instructions must be printed
in bold type at the top of the ballot: ~~"MAKE A CROSS (X) OR~~
24 ~~A CHECK MARK (-) IN THE SQUARE AT THE LEFT OF THE NAME OF~~
~~THE CANDIDATE FOR WHOM YOU WISH TO VOTE, YOU MAY VOTE FOR~~
26 ~~A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING~~
~~IT OR PASTING A STICKER WITH THE PERSON'S NAME AND~~
28 ~~MUNICIPALITY OF RESIDENCE ON IT IN THE PROPER BLANK SPACE~~
~~AND MARKING THE SQUARE AT THE LEFT, DO NOT ERASE NAMES."~~
30 informing the voter how to designate the voter's choice on
the ballot.

32 Sec. 23. 21-A MRSA §601, sub-§2, ¶F, as enacted by PL 1985, c.
34 161, §6, is repealed and the following enacted in its place:

36 F. There must be a place on the ballot for the voter to
designate the voter's choice.

38 Sec. 24. 21-A MRSA §601-A, sub-§2, ¶A, as enacted by PL 1987,
40 c. 797, §3, is amended to read:

42 A. ~~The following instructions~~ Instructions must be printed
in bold type at the top of the ballot informing the voter
44 how to designate the voter's choice on the ballot.

46 ~~"MAKE A CROSS (X) OR A CHECK MARK (-) IN THE SQUARE AT THE~~
~~LEFT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO~~
48 ~~VOTE, YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR~~
~~ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH THAT~~
50 ~~PERSON'S NAME ON IT IN THE PROPER BLANK SPACE AND MARKING A~~

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~~CROSS-(X)-OR-A-CHECK-MARK-(--)-IN-THE-PROPER-SQUARE-AT-THE-LEFT---DO-NOT-ERASE-NAMES.~~

~~IF-YOU-WISH-TO-VOTE-FOR-UNCOMMITTED,-MAKE-A-CROSS-(X)-OR-A-CHECK-MARK-(--)-IN-THE-SQUARE-AT-THE-LEFT-OF-THE-WORD-UNCOMMITTED,-MARK-ONLY-ONE-SQUARE."~~

Sec. 25. 21-A MRSA §602, sub-§2, ¶¶A and C, as enacted by PL 1985, c. 161, §6, are amended to read:

A. ~~The names of all nominees for office must as far as possible be placed in one vertical column. When there are ever 25 names to be printed on the ballot, another column or columns may be added for the names of the additional nominees. When 2 or more columns are used, the same number of names, so far as possible, must be printed in each column. The names of candidates for any one office may not be split into more than one column regardless of number. The initial letter letters of the last name names of the several candidates in each column must be printed directly beneath each other in a vertical line and the initial letter letters of the respective party designations of each nominee must be printed directly beneath each other in a vertical line.~~

C. ~~The following instructions Instructions must be printed in bold type at the top of the ballot: "MAKE-A-CROSS-(X)-OR-A-CHECK-MARK-(--)-IN-THE-SQUARE-AT-THE-LEFT-OF-THE-NOMINEE-FOR-WHOM-YOU-WISH-TO-VOTE,-YOU-MAY-VOTE-FOR-A-PERSON-WHOSE-NAME-DOES-NOT-APPEAR-ON-THE-BALLOT-BY-WRITING-IT-AND-THE-PERSON'S-MUNICIPALITY-OF-RESIDENCE-IN-THE-PROPER-BLANK-SPACE-AND-MARKING-THE-SQUARE-AT-THE-LEFT--DO-NOT-ERASE-NAMES."~~
informing the voter how to designate the voter's choice on the ballot.

Sec. 26. 21-A MRSA §602, sub-§2, ¶G, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

G. There must be a place on the ballot for the voter to mark the ballot to designate the voter's choice.

Sec. 27. 21-A MRSA §605, sub-§2, ¶A is enacted to read:

A. A notice must be conspicuously posted at the entrances to all polling places and voter registration places informing voters and others that knowingly violating the State's election laws is a crime punishable by up to 10 years in state prison and a fine not to exceed \$20,000.

2 **Sec. 28. 21-A MRSA §622, 5th indented ¶**, as enacted by PL 1985,
c. 161, §6, is amended to read:

4 The registrar of voters ~~or board of registration~~ will hold
6 office hours while the polls are open to correct any error in or
change a name or address on the voting list; to accept the
8 registration of any person eligible to vote and to accept new
enrollments.

10 **Sec. 29. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 1991, c.
12 466, §19, is further amended to read:

14 A. Only the following reasons for challenges may be
accepted by the warden. The challenged person:

- 16 (1) Is not a registered voter;
- 18 (2) Is not enrolled in the proper party, if voting in
20 a primary election;
- 22 (3) Is not qualified to be a registered voter because
the challenged person is not:
 - 24 (a) At least 18 years of age;
 - 26 (b) A citizen of the United States; or
 - 28 (c) A resident of the municipality or appropriate
30 electoral district within the municipality;
- 32 (4) Did not properly apply for an absentee ballot;
- 34 ~~(5) Is not a qualified absentee voter as prescribed by
section 751;~~
- 36 (6) Did not properly complete the affidavit on the
absentee return envelope;
- 38 (7) Did not cast the ballot or complete the affidavit
40 before the appropriate witness;
- 42 (8) Communicated with someone as prohibited by section
754-A, subsection 1, paragraph B or subsection 3,
44 paragraph B or D;
- 46 (9) Did not have the ballot returned to the clerk by
the time prescribed;
- 48 (10) Voted using the name of another; or

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(11) Committed any other specified violation of this Title.

Sec. 30. 21-A MRSA §674, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§674. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

A. Knowingly removes a ballot from a voting place on election day except as authorized by this Title;

B. Interferes with a voter attempting to cast a vote or interferes with or attempts to influence a voter in marking that voter's ballot;

C. Assists or offers to assist another person at the voting place in marking that other person's ballot, unless the person has been requested to do so by the warden or ward clerk; or

D. Shows that person's marked ballot to another with the intent to reveal how that person voted.

2. Class D crime. A person commits a Class D crime if that person:

A. Assists another person in voting, knowing that the other person is not eligible to vote; or

B. Solicits votes from another person, knowing that the other person is under guardianship because of mental illness.

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

A. Knowingly causes a delay in the registration or enrollment of another or knowingly causes a delay in the delivery of an absentee ballot or absentee ballot application with the intent to prevent a person from voting or to render that person's vote ineffective;

B. Votes or attempts to vote knowing that the person is not eligible to do so or having once voted, whether within or outside this State, again votes or attempts to vote at the same election; or

C. Votes or attempts to vote by using the name of another.

2 4. Class B crime. A person commits a Class B crime if that
4 person:

6 A. Tamper with ballots or voting lists or opens or breaks
8 a seal of a sealed box or package of ballots or voting lists
10 with the intent of changing the outcome of any election,
12 except as permitted by this Title. The clerk of the court
14 in which a person is convicted of a violation of this
16 paragraph shall, within 10 days after the conviction,
 forward to the registrar of voters of the municipality in
 which the person who is convicted resides a certified copy
 of the record of the conviction. The registrar shall
 immediately strike from the voting list for a period of 3
 years the name of the person convicted.

18 Sec. 31. 21-A MRSA §682, sub-§2, as enacted by PL 1985, c.
 161, §6, is amended to read:

20 2. Influence prohibited. Within 250 feet of the entrance
22 to the voting place as well as within the voting place itself, no
24 person may not influence or attempt to influence another
 person's ~~choice of candidates~~ decision regarding a candidate or
 ballot issue. This limitation does not prohibit a A candidate is
26 prohibited from attending the voting place and ~~orally~~
 ~~communicating with voters, as long as he does not attempt to~~
 ~~influence their vote~~ except for the purpose of voting.

28 Sec. 32. 21-A MRSA §682, sub-§3, as amended by PL 1991, c.
30 466, §20, is further amended to read:

32 3. Advertising prohibited. No A person may not display any
34 advertising material, operate any advertising medium, including a
36 sound amplification device, or distribute campaign literature,
38 posters, palm cards, buttons or stickers intended to influence
40 the opinion of any voter, within 250 feet of the entrance to
 either the voting place or the registrar's office. The term
 "sound amplification device" includes, but is not limited to,
 sound trucks, loudspeakers and blowhorns.

42 Party workers and others who remain in the voting place outside
44 the guardrail enclosure may not use within the voting place
46 cellular phones, beepers, voice or signal pagers or similar
 devices that make noise or allow direct audible voice
 communication within the voting place.

48 A. This subsection does not apply to advertising material
50 on automobiles traveling to and from the voting place. It
 does not prohibit a person from passing out stickers at the
 voting place to be pasted on the ballot at a primary

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2 election. It does not prohibit a person, ~~other than an~~
election ~~official~~, who is at the polls solely for the
4 purpose of voting from wearing a campaign button when the
longest dimension of the button does not exceed 3 inches.

6 B. A person who knowingly engages in activities prohibited
by this section ~~is guilty of~~ commits a Class E crime.

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10 Sec. 33. 21-A MRSA §691, as enacted by PL 1985, c. 161, §6,
is amended to read:

12 **§691. Marking ballots; primary election**

14 A voter shall mark his the ballot at a primary election with
a ~~cross (X) or a check mark (✓)~~ according to the following
16 provisions as instructed in the directions on the ballot.

18 1. **Individual candidate method.** He The voter must place
the mark ~~in the square at the left of and close to~~ the ballot as
20 instructed in the directions on the ballot to indicate the name
of each candidate for nomination for whom he the voter wishes to
22 vote.

24 2. **Write-in vote.** If he the voter wishes to vote for a
person whose name is not on the ballot, he the voter must write
26 the name and municipality of residence or paste a sticker
containing the name and municipality of residence in the blank
28 space provided at the end of the list of candidates for
nomination to the office in question, ~~with the last name first or~~
30 ~~last.~~ He The voter must then place the mark ~~in the square at the~~
~~left of the space~~ the ballot as instructed in the directions on
32 the ballot to indicate a vote for the write-in candidate.

34 Sec. 34. 21-A MRSA §692, as enacted by PL 1985, c. 161, §6,
is amended to read:

36 **§692. General election**

38 A voter shall mark his the ballot at a general election with
a ~~cross (X) or a check mark (✓)~~ according to the following
40 provisions as instructed in the directions on the ballot.

42 1. **Individual candidate method.** He The voter must place
44 the mark ~~in the square at the left of and close to~~ the ballot as
instructed in the directions on the ballot to indicate a vote for
46 the name of each nominee for whom he the voter wishes to vote,
regardless of political designation, but must follow directions
48 as to the number of nominees to be elected to each office.

2 2. Write-in vote. If he the voter wishes to vote for a
3 person whose name is not on the ballot, he the voter must write
4 the name and municipality of residence in the blank space
5 provided at the end of the list of nominees for the office in
6 question, ~~with the last name first or last.~~ He The voter must
7 then ~~place the mark in the square at the left of the space~~ the
8 ballot as instructed in the directions on the ballot. A sticker
may not be used to vote for a write-in candidate.

10 3. Referendum question. In voting on a referendum
11 question, he the voter shall ~~place the mark in the square of his~~
12 ~~choice at the left of the question~~ the ballot as instructed in
13 the directions on the ballot.

14 Sec. 35. 21-A MRSA §696, sub-§1, as amended by PL 1985, c.
15 357, §§4 and 19, is further amended to read:

18 1. Challenged ballot. A challenged ballot must be counted
19 the same as a regular ballot. The validity of a challenged
20 ballot need not be determined unless it affects the results of an
21 election.

22 If the challenged ballot affects the result of an election, the
23 envelope containing the challenge certificate shall must be
24 submitted to the ~~Commission on Governmental Ethics and Election~~
25 ~~Practices~~ Supreme Judicial Court and its validity shall must be
26 determined, ~~subject to the right of appeal for county offices~~
27 ~~under section 746,~~ except where when final determination of the
28 election of a candidate is governed by the ~~Constitution of Maine~~
29 ~~or the~~ United States Constitution. The challenge certificate
30 shall must be in such a form as the Secretary of State may
31 establishes by rule establish.

34 Sec. 36. 21-A MRSA §698, sub-§2, as amended by PL 1987, c.
35 188, §6, is repealed.

36 Sec. 37. 21-A MRSA §698, sub-§§2-A and 2-B are enacted to read:

38 2-A. Used ballots placed in tamper-proof containers. The
39 election clerks shall place the sealed packages of used ballots,
40 envelopes containing challenge certificates, spoiled ballots,
41 defective ballots, void ballots, used absentee ballots, used
42 absentee envelopes and used absentee applications in tamper-proof
43 ballot containers. The ballot containers must be furnished by
44 the Secretary of State.

46 A tamper-proof ballot container must be sealed before leaving the
47 precinct with a numbered seal that must correlate with a
48 certificate identifying the person sealing the container and the

2 time of the sealing. The seals and identifying certificates must
3 be furnished by the Secretary of State.

4 A. Transfer and resealing of the ballots to other
5 containers for permanent storage must be done 60 or more
6 days following the election. The municipal clerk shall make
7 the transfer in the presence of one representative from each
8 of the major political parties. The containers must be
9 securely sealed.

10 2-B. Unused ballots placed in containers. At the close of
11 the polls, all unused, unsealed absentee and regular ballots must
12 be voided by a physical mark unless all voted ballots have been
13 validated in the course of the election. All sealed ballots must
14 remain sealed and be wrapped with tamper-proof tape. All unused
15 ballots, including both the unsealed and the sealed ballots, must
16 be placed in the containers in which the regular ballots were
17 delivered. The containers containing the unused ballots must be
18 clearly marked to indicate that the containers contain unused
19 ballots. These ballots must be stored separately from the used
20 ballots.

21 **Sec. 38. 21-A MRSA §698, sub-§5, ¶A, as enacted by PL 1985, c.**
22 **161, §6, is amended to read:**

23 **A. The portions of subsection 1, paragraph A, and**
24 **subsectien-2-which subsections 2-A and 2-B that deal with**
25 **absentee ballots do not apply to municipalities with 2 or**
26 **more voting districts where absentee ballots are counted**
27 **separately.**

28 **Sec. 39. 21-A MRSA §712, as enacted by PL 1985, c. 161, §6,**
29 **is amended to read:**

30 **§712. Return not delivered**

31 **If an election return is not delivered to the Secretary of**
32 **State within 7 3 business days after an election, the Secretary**
33 **of State ~~must~~ shall send a messenger to the municipality**
34 **concerned, and the clerk shall give him that messenger a**
35 **certified copy of the return.**

36 **Sec. 40. 21-A MRSA §724, first ¶, as enacted by PL 1985, c.**
37 **161, §6, is amended to read:**

38 **Within a reasonable time after an election, the Governor**
39 **shall issue an election certificate, in accordance with Title 5,**
40 **section 84, or a notice of apparent election to each person**
41 **elected to office, according to the tabulation under section**
42 **722. ~~For cases involving elections finally determined by the~~**

~~Governor, a certificate shall be issued under section 744, subsection 3, paragraphs B and C. For cases involving elections not finally determined by the~~ The Governor, the Governor shall ~~may~~ not issue a certificate while the election is contested before the ~~Commission on Governmental Ethics and Election Practices under Article IV~~ court. If, before the convening of the ~~finally determinative body in an election not determined by the Governor, the commission~~ the court finds that a candidate has been apparently elected, the ~~commission~~ court shall immediately notify the Governor of that apparent election. The Governor shall issue a notice of apparent election to the person apparently elected, according to the findings of the ~~commission~~ court.

Sec. 41. 21-A MRSA §736, as amended by PL 1987, c. 258, §§1 and 2, is repealed.

Sec. 42. 21-A MRSA §737, as amended by PL 1991, c. 466, §23, is repealed.

Sec. 43. 21-A MRSA §737-A is enacted to read:

§737-A. Recount

If, after an initial tally of the ballots, the margin between the number of votes cast for the leading candidate and the number of votes cast for the 2nd-place candidate is less than 1% of the total number of votes cast in that race, a recount is presumed necessary.

Once a recount is triggered by this presumption, or a recount is requested, the Secretary of State shall notify the State Police, who shall take physical control of all ballots and related materials involved in the recount as soon as possible.

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

A losing candidate in any election who desires a recount must file with the Secretary of State a written request for a recount within 7 business days after the election. The recount is held under the supervision of the Secretary of State, who shall allow the candidate or the candidate's counsel to recount the ballots.

If, after the official tabulation is submitted to the Governor, the apparent winner is determined the losing candidate,

2 that candidate may request another recount within 3 business days
3 after the date the Governor receives the tabulation.

4 1. Deposit for recount. All deposits required by this
5 section must be made with the Secretary of State when a recount
6 is requested. Once the recount has begun, the deposit made by
7 the candidate requesting the recount is forfeited to the State if
8 the resulting count fails to change the outcome of the election.
9 If the recount reverses the election, the deposit must be
10 returned to the candidate requesting the recount. The amount of
11 the deposit is calculated as follows.

12 A. If the percentage difference shown by the official
13 tabulation between the leading candidate and the 2nd-place
14 candidate is 2% or less, a deposit is not required.

15 B. If the percentage difference is more than 2% and less
16 than 4%, the deposit is \$500.

17 C. If the percentage difference is 4% or more, the deposit
18 is \$1,000.

19 2. Recount request. If a ballot contains the names of
20 state and local candidates or questions, the Secretary of State
21 shall determine which requests for recount must be honored first
22 when more than one request is presented.

23 3. Notice of recount. The Secretary of State shall send
24 written notice of a recount to the candidates for the office in
25 question, stating the time and place of the recount.

26 4. Time of recount. The recount must be held as soon as
27 reasonably possible at a time and place that affords the
28 candidates a reasonable opportunity to be present.

29 5. Persons prohibited from working at recount. Confidential state
30 employees, employees of the Legislature and
31 elected state officials may not participate in ballot recounts in
32 any capacity. This subsection does not prohibit employees within
33 the Department of the Secretary of State, election officials and
34 staff of the Department of the Attorney General and the Judicial
35 Department from performing their duties with respect to a recount.

36 6. List of recount personnel. The Secretary of State shall
37 maintain a list of recount personnel for 2 years after the
38 recount.

39 7. Disputed ballots segregated. At the recount, the
40 Secretary of State shall segregate disputed ballots. Disputed
41 ballots that are not resolved must be photocopied by a
42 person not involved in the recount.

2 representative of the Secretary of State. The photocopy of the
3 ballot is not a public record and must be kept separate from the
4 original ballots.

5 When a recount is requested by a write-in candidate who did not
6 receive the minimum number of votes required, if the write-in
7 candidate is the only candidate at the recount and it appears
8 from the recount that a sufficient number of votes for that
9 candidate has been received at the election, then all ballots
10 from that election are considered "disputed."

11 8. Mistake in ballot count. If it is found that a mistake
12 was made in counting the ballots on election day, the Secretary
13 of State shall submit a corrected tabulation to the Governor.

14 9. Package resealed and marked. After a recount, the
15 Secretary of State shall reseat the packages of ballots and
16 incoming voting lists, noting the fact and date of the recount on
17 the packages. All challenged and disputed ballots must be
18 packaged separately. The challenged and disputed ballots must be
19 kept until released to the court in case of an appeal.

20 10. Appeal to court. If there are enough challenged or
21 disputed ballots to affect the result of an election, the
22 Secretary of State shall forward the ballots and related records
23 for that election to the clerk of the Supreme Judicial Court.

24 The Chief Justice of the Supreme Judicial Court shall determine
25 the result of the election pursuant to procedures adopted by
26 court rule. The decision of the Chief Justice is final and must
27 be certified to the Governor by the Chief Justice.

28 11. Withdrawal from recount. A candidate who requests and
29 receives a recount may withdraw from the recount at any time
30 while the recount shows that candidate to be the loser. If,
31 during the recount, the candidate requesting the recount
32 overtakes and passes the candidate who initially appeared to win
33 the election, the candidate requesting the recount may not
34 withdraw the request and the recount must be completed.

35 Sec. 44. 21-A MRSA §738, as amended by PL 1987, c. 188, §10,
36 is further amended to read:

37 **§738. Statewide referendum ballots**

38 On petition signed by 100 or more affected voters, an
39 inspection and a recount may be held on any referendum question
40 by applying to the Secretary of State within the deadlines
41 deadline provided in sections--736--and--737 section 737-A. A
42 deposit shall be is required if the percentage difference between

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2 the yes and no votes falls within the requirements of section 737
3 737-A, subsection 2 1. Appeal of challenged or disputed ballots
4 ~~must-be is~~ to the ~~Commission-on-Governmental-Ethics-and-Election~~
~~Practices-as-provided-under-Article-IV~~ Supreme Judicial Court.

6 If a ballot contains state and local candidates or
7 questions, the Secretary of State shall ~~set--priorities--on~~
8 determine which requests for ~~inspection-and~~ recount shall must be
9 honored first ~~if~~ when more than one request is presented.

10 Sec. 45. 21-A MRSA §739, first ¶, as enacted by PL 1985, c.
11 161, §6, is amended to read:

12 On request, a municipal clerk or the Secretary of State, or
13 both, shall produce any ballots or incoming voting lists in ~~his~~
14 their custody before the Governor, ~~the-Commission-on-Governmental~~
15 ~~Ethics-and-Election-Practices,~~ either branch of the Legislature,
16 any legislative committee or any a court of competent
17 jurisdiction.

18 Sec. 46. 21-A MRSA c. 9, sub-c. III, art. IV, as enacted by PL
19 1985, c. 161, §6, is repealed.

20 Sec. 47. 21-A MRSA §751, as amended by PL 1991, c. 466, §§24
21 and 25, is repealed.

22 Sec. 48. 21-A MRSA §751-A is enacted to read:

23 §751-A. Absentee ballot upon request

24 An absentee ballot may be cast at any election by a voter
25 who requests an absentee ballot from the clerk and who complies
26 with the procedures of this subchapter.

27 Sec. 49. 21-A MRSA §752, sub-§1, ¶A, as amended by PL 1991, c.
28 466, §26, is further amended to read:

29 A. At least 90 days before the election to which they
30 pertain, the Secretary of State shall furnish each
31 municipality with a reasonable number of blank absentee
32 ballots for use by members of the Armed Forces and citizens
33 outside the United States ~~who-have-met-the-qualifications-in~~
34 ~~section--751.~~ These ballots must be similar to regular
35 ballots, except that no candidate names may be printed. The
36 Secretary of State shall prepare a ballot listing all
37 offices to be selected with a space after each office to
38 write in the voter's preference. The following instructions
39 must be printed in bold type at the top of the ballot: YOU
40 MAY VOTE FOR A PERSON BY WRITING IN THAT PERSON'S NAME AND

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2 MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE
3 PROPER OFFICE.

4 Sec. 50. 21-A MRSA §753, sub-§3, as amended by PL 1991, c.
5 466, §29, is further amended to read:

6
7 3. Application or request received. On receipt of a
8 completed application or a request for an absentee ballot signed
9 by the applicant, the clerk may immediately send or deliver an
10 absentee ballot and return envelope to the applicant ~~or~~. Ballots
11 may be issued to a 3rd person designated in the application or
12 request only on the last 14 days before the election as well as
13 on election day. The clerk may not deliver an absentee ballot to
14 any 3rd person whose name appears on an absentee ballot. The
15 clerk may not deliver to a 3rd person any absentee ballot
16 requested under subsection 2-A. If a municipal election is to be
17 held on the same date as a statewide election, absentee ballots
18 for the municipal and statewide election may be issued in
19 response to the same application. The clerk shall issue to any
20 3rd person designated in an application or request only enough
21 ~~absentee ballots to insure that that person will not have more~~
22 ~~than 10~~ 3 absentee ballots for voters in a the municipality at
23 any time. A 3rd person must, unless good cause is shown, return
24 an absentee ballot to the clerk's office within the time limits
25 provided in section 755. The clerk shall include a ballot
26 application to be completed by the person who signed only a
27 written request, unless the written request is sufficient under
28 subsection 2. The clerk shall type or write in ink the name and
29 the legal address of the person for whom the absentee ballot is
30 intended in the upper left hand section of all return envelopes.

32 A. If the clerk receives a duplicate application from a
33 person from whom the clerk has received a return envelope
34 apparently containing an absentee ballot, the clerk may not
35 furnish another absentee ballot for that person.

36 B. The clerk may issue a 2nd absentee ballot to an
37 applicant, if the applicant requests one, in person or in
38 writing and:

39 (1) The applicant states good cause, including, but
40 not limited to, loss of, spoiling of or damage to the
41 first absentee ballot; or

42 (2) An absentee ballot for the applicant which that
43 was furnished to a designated 3rd person is not
44 returned to the clerk's office within 5 2 business days
45 of the date that ballot was sent or delivered to the
46 3rd person or ~~of~~ the date that 3rd person was notified
47 by the clerk that the ballot was available, or by 10
48
49
50

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2 a.m. on the day before election day, whichever is
3 earlier. If a ballot for an applicant is not returned
4 to the clerk within 5 2 days of notification, then the
5 clerk shall mail a ballot to that applicant on the 6th
6 3rd day after notification and shall may issue no other
7 ballot to the applicant except for good cause as
8 provided in this subsection. This subparagraph may
9 ~~does not be construed to~~ affect the time for delivery
10 of absentee ballots under section 755.

11 **Sec. 51. 21-A MRSA §753, sub-§5, as amended by PL 1985, c.**
12 **357, §§10 and 19, is further amended to read:**

13 **5. Clerk to list.** The clerk shall keep a list of the
14 persons ~~to whom he furnishes~~ furnished absentee ballots until
15 after election day, or the clerk shall file the applications and
16 requests in alphabetical order. The clerk shall keep a list of
17 the persons who vote in the presence of the clerk under
18 subsection 7. The clerk shall submit this list to the registrar
19 for certification before the close of business on the day before
20 election day.

21 The clerk shall keep a list of the 3rd persons, designated in
22 applications or requests, to whom absentee ballots are sent or
23 delivered under subsection 3 and of the number of absentee
24 ballots sent or delivered to these persons. ~~These 3rd persons may~~
25 ~~not have more than 40 absentee ballots for voters in a~~
26 ~~municipality at any time.~~

27 **Sec. 52. 21-A MRSA §791, sub-§2, as amended by PL 1987, c.**
28 **572, is repealed and the following enacted in its place:**

29 **2. Class D crime.** A person commits a Class D crime if that
30 **person:**

31 **A. Delivers, receives, accepts, notarizes or witnesses an**
32 **absentee ballot for any compensation. This paragraph does**
33 **not apply to a governmental employee handling ballots in the**
34 **course of that employee's official duties or a person who**
35 **handles absentee ballots before the unvoted ballots are**
36 **delivered to the municipality or after the voted ballots are**
37 **returned to the clerk.**

38 **Sec. 53. 21-A MRSA §791, sub-§3 is enacted to read:**

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

41 **A. Forges the name of another on an absentee ballot, the**
42 **return envelope or the application for an absentee ballot; or**

2 B. Is a candidate who, notwithstanding this subchapter,
 4 delivers, receives, accepts, notarizes or witnesses an
 6 absentee ballot, other than the candidate's own absentee
 8 ballot, furnished by the clerk of a municipality in this
 10 State. This paragraph does not apply to an elected
 12 municipal clerk in an election when no other name for the
 14 office of clerk appears on the ballot. In a contested
 16 election for the office of clerk, a clerk may not be
 18 exempted from the provisions of this paragraph but shall
 20 instead appoint a deputy or an assistant to whom the
 22 municipality shall pay all associated costs for the duration
 24 of the deputy's or assistant's temporary employment in that
 26 capacity.

16 **Sec. 54. 21-A MRSA §829**, as enacted by PL 1985, c. 161, §6,
 18 is amended to read:

18 **§829. Violation and penalty**

20 Any person who alters, adjusts, operates, moves, unlocks or
 22 unseals a voting machine or any part of a voting machine, or who
 24 attempts such an act, with the intent of changing the outcome of
 26 any election ~~is guilty of~~ commits a Class D B crime. The clerk
 28 of the court in which a person is convicted of a violation of
 30 this section shall, within 10 days after the conviction, forward
 32 to the registrar of voters of the municipality in which the
 34 persons who is convicted resides a certified copy of the record
 36 of the conviction. The registrar shall immediately strike from
 38 the voting list for a period of 3 years the name of the person
 40 convicted.

32 **Sec. 55. 21-A MRSA §860**, as enacted by PL 1985, c. 161, §6,
 34 is amended to read:

36 **§860. Violation and penalty**

38 ~~The penal laws and election laws relating to misconduct at~~
 40 ~~elections apply to elections conducted with voting devices and~~
 42 ~~automatic tabulating equipment.~~ Any person who, before, during
 44 or after an election, tampers with or willfully injures any
 46 voting device, ballot cards or other records or equipment used in
 48 the election, or interferes or attempts to interfere with the
 correct operation of such a device or equipment or the secrecy of
 voting, ~~is guilty of~~ commits a Class D C crime.

46 **Sec. 56. 21-A MRSA §906, sub-§1**, as enacted by PL 1985, c.
 48 161, §6, is amended to read:

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1. Referendum questions on separate ballot. Referendum questions must be printed on a ballot separate from the general election ballots, except for municipalities using electronic scanning devices. ~~Two squares must be printed at the left of any referendum question submitted, with "Yes" above one and "No" above the other, so that a voter may designate his choice clearly by a cross or a check mark.~~ There must be a place on the ballot for the voter to designate the voter's choice.

Sec. 57. 30-A MRSA §2533, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§2533. Title to municipal office

Within 20 days after election day, a person who claims to have been elected to any municipal office may proceed against another who claims title to the office by following the following procedure ~~outlined in Title 21-A, section 746.~~

1. Procedure. The person must bring a complaint in the Superior Court alleging the facts upon which the person relies in maintaining the action. The action must be brought in the county in which the defendant resides. The court shall hear and decide the case as soon as reasonably possible.

2. Appeal procedure. The party against whom the judgment is rendered may appeal to the Supreme Judicial Court within 10 days after entry of the judgment. The appellant must file the required number of copies of the record with the clerk of courts within 20 days after filing the notice of appeal. Within 30 days after the notice of appeal is filed, the parties must file briefs with the clerk of courts. As soon as the records and briefs have been filed, the court shall immediately consider the case and shall issue its decision as soon as reasonably possible. Final judgment must be entered accordingly.

3. Court to issue order. As soon as final judgment has been rendered, the Superior Court, on request of the prevailing party, shall issue an order to the party unlawfully claiming or holding the office, commanding that party to immediately surrender it to the person who has been adjudged lawfully entitled to it, together with all the records and property connected with it. The prevailing party may assume the duties of the office as soon as the term begins.

4. Costs. The court shall allow costs to the prevailing party as the court determines reasonable and just.

Sec. 58. 34-A MRSA §3007, sub-§4, as amended by PL 1985, c. 161, §15, is further amended to read:

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2 4. Violation. The posting of written political material
under this section is not a violation of Title 21-A, section 31,
4 subsection--3, 32 or Title 21-A, section 674, subsection 1,
paragraph C.

6
8 Sec. 59. 34-B MRSA §1410, sub-§4, as amended by PL 1985, c.
506, Pt. A, §71, is further amended to read:

10 4. Violation. The posting of written political material
under this section is not a violation of Title 21-A, section 31,
12 subsection--3 32 or Title 21-A, section 674, subsection 1,
paragraph C.

14
16 Sec. 60. Appropriation. The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

18 1993-94

20 SECRETARY OF STATE,
22 DEPARTMENT OF THE
24 Elections and Commissions

26 All Other \$63,000

28 Provides funds for the purchase and
distribution of approximately 3,000 metal
30 boxes to 676 municipalities to place used
ballots in.

32 Sec. 61. Effective date. This Act takes effect January 1, 1994.

34 FISCAL NOTE

36 1993-94

38 APPROPRIATIONS/ALLOCATIONS

40 General Fund \$63,000

42 The Department of the Secretary of State will require an
44 additional General Fund appropriation of \$63,000 in fiscal year
1993-94 for providing municipalities with sufficient metal boxes
46 to place the used ballots in. This appropriation is based on the
purchase and distribution of approximately 3,000 boxes to 676
48 municipalities at a cost of \$21 a piece.

2 This bill increases the class of crime for several offenses
4 resulting in additional costs to state and county correctional
facilities.

6 Sentences of more than 9 months for Class B crimes must be
8 served in a state correctional institution. The cost to the
State per sentence is \$84,563 based upon an average length of
10 stay of 3 years and 6 months. The State also must reimburse
counties for sentences served in county jails of 9 months or less
12 for this new crime pursuant to the Communities Corrections Act.

14 Sentences of more than 9 months for Class C crimes must be
served in a state correctional institution. The cost to the
16 State per sentence is \$42,050 based upon an average length of
stay of one year and 9 months. The State also must reimburse
18 counties for sentences served in county jails of 9 months or less
for this new crime pursuant to the Communities Corrections Act.

20 Sentences imposed for Class D offenses must be served in a
county jail. The average cost per sentence for a Class D crime
22 is \$7,439 based upon an average length of stay of 119 days. The
additional costs to the counties for the housing of each offender
24 sentenced under this new crime will not require reimbursement by
the State.

26 The Judicial Department may require additional General Fund
28 appropriations to cover increased indigent defense costs. The
collection of additional fines may increase General Fund revenues
30 by minor amounts.

32 The additional costs to investigate and prosecute alleged
violations of the election laws can be absorbed by the Department
34 of the Attorney General utilizing existing budgeted resources.

36 The Commission on Governmental Ethics and Election Practices
will realize some minor savings from shifting the appeal process
38 for disputed ballots to the courts. The Judicial Department will
be able to absorb the additional workload and administrative
40 costs associated with this shift within its existing budgeted
resources.

42 The State Police can absorb within existing budgeted
44 resources the costs associated with storing and securing ballots
for recounts.'

46
48 **STATEMENT OF FACT**

50 This amendment replaces the entire bill.

2 It amends the definition of "absentee voter" and deletes a
reference to the board of registration of voters in the
4 definition of "registrar."

6 It repeals the general penalty section designating some
crimes Class E crimes.

8
10 It reenacts the general penalty provision dividing the
crimes into Class E and Class D. It requires a Deputy Attorney
General or an Assistant Attorney General to be designated to
12 investigate and prosecute election law violations.

14 It requires the municipal clerk to nominate the registrar of
voters, with rejection or approval by the municipal officers
16 within a total of 30 days.

18 It allows municipalities under 10,000 in population to
appoint deputy registrars and requires such appointments in
20 municipalities of 10,000 and over. It deletes the provision in
the bill requiring the deputy registrars to be registered voters
22 in the municipalities in which they serve as deputies. The
process is changed, requiring notice to be posted of the
24 intention to appoint and notice to the political parties 30 days
prior to the appointment. The parties may reject a person named
26 by the registrar by a vote of 2/3 of the members present and
voting and then request a new name from the registrar. It
28 contains a provision to ensure balance among the political
parties and the unenrolled voters.

30
32 It repeals the boards of voter registration.

34 It repeals the deputies for the boards of voter registration.

36 It deletes the provision that establishes residence as the
place to which a person intends to return. It allows that a
person may have a nontraditional residence and prohibits
38 nontraditional residency as the only basis for a challenge to
residency.

40
42 It allows registrations by mail by outside agencies up to 15
days before the election for those persons who registered to
appear on the voter list. It allows registration within the last
44 15 days in person and with proof of identity and residency. It
provides that, if satisfactory proof is not provided, a person
46 casts a challenged ballot.

48 It amends the registration and enrollment requirements for
persons outside the United States to correct a cross-reference to
50 the absentee voter qualifications.

2 It increases from Class E to Class D the penalty for a false
oath concerning qualifications for registration or enrollment.

4
6 It allows the registrar of a municipality to contact other
municipalities to check for duplicate registrations in the same
representative or senatorial district. It deletes the reference
8 to intention to abandon the residence for a voter who has moved
from the municipality.

10
12 It increases from Class E to Class C the penalty for
wrongful removal of a name from a voting list.

14 It requires the municipal clerk to appoint election clerks
and contains provisions to ensure balance among political parties
16 and the unenrolled voters.

18 It requires the municipal clerk to appoint the election
clerks. It provides that, if the municipal clerk fails to
20 appoint the election clerks, the municipal officers make the
appointments.

22
24 It requires the Secretary of State to encourage the
municipalities to provide training to election officials.

26 It requires that primary election ballots be arranged in a
manner that is as consistent and uniform as possible throughout
28 the State.

30 It requires the instructions for voting in primary elections
to be printed on the top of the ballot in bold print informing
32 the voter how to designate the voter's choice on the ballot.

34 It requires the primary election ballot to contain a place
to mark the ballot.

36
38 It requires the instructions for voting in presidential
primary elections to be printed on the top of the ballot in bold
print informing the voter how to designate the voter's choice on
40 the ballot.

42 It requires the instructions for voting in general elections
to be printed on the top of the ballot in bold print informing
44 the voter how to designate the voter's choice on the ballot.

46 It requires the general ballot to contain a place to mark
the ballot.

48
50 It requires posting at the polling place of the penalties
for violating the election laws.

2 It corrects a cross-reference to the absentee voter
4 provisions.

6 It contains the provision of the bill that sets penalties of
8 Class E, Class D, Class C and Class B severity for violations of
10 the election laws. For a conviction of a Class B crime for
12 tampering with ballots or voting lists or opening or breaking a
seal of a sealed box or package of ballots or voting lists with
the intention of changing the outcome of the election, the
amendment provides for a loss of the right to vote for 3 years.

14 It prohibits campaigning within 250 feet of the entrance to
16 the polling place and within it. It allows a candidate to be
present at the polling place only to vote.

18 It prohibits party workers and others in the voting place
20 from using cellular phones, beepers and pagers. The amendment
allows only people who are at the polls solely for the purpose of
voting to wear campaign buttons.

22 It contains a provision on the marking of ballots for
24 primary elections to correct instructions on voting that are
printed on the ballot.

26 It requires the voter to mark the ballot on a referendum
28 question as instructed in the directions on the ballot.

30 It requires a challenged ballot to be submitted to the
32 Supreme Judicial Court for determination of its validity unless
determination of the election is established by the United States
Constitution.

34 It repeals the provisions for storage of ballots after an
36 election.

38 It requires storage after the election of used ballots in
40 tamper-proof boxes, sealed with seals and documented with
42 certificates. Unused ballots must be stored in the boxes in
44 which the regular ballots were delivered and the boxes must be
marked. Used and unused ballots must be stored separately.
Boxes, certificates and seals must be provided by the Secretary
of State. The requirement that the boxes have padlocks has been
deleted.

46 It corrects a cross-reference to the ballot storage section.

48 It requires the election return to be submitted to the
50 Secretary of State within 3 business days and allows the
Secretary of State to send a messenger to pick it up.

2 It requires the Governor to issue election certificates
after elections, but not when the election is contested before a
4 court.

6 It repeals the inspection provisions for ballots and
incoming voting lists.

8
10 It repeals the current recount provisions in the statutes
and enacts a new section with recount provisions. There is a
12 presumption of a recount when the margin is 1%. The State Police
take possession of all ballots and other materials pending a
14 recount. A deposit is required of the candidate requesting the
recount, with a refund if that candidate is the winner in a
16 change of result. Disputed ballots are photocopied. The recount
is performed by the Secretary of State, who keeps a record of the
18 participants. Confidential state employees, employees of the
Legislature and elected state officials may not participate in
20 the recount, except for employees of the Secretary of State, the
Judicial Department, the Department of the Attorney General and
22 elected officials to the extent required by their employment.
Appeals are handled by the Supreme Judicial Court and are final.
24 The amendment changes the numbers on percentage of vote spread as
they determine the deposit to be paid by the person requesting
26 the recount. The amendment changes the persons who are
prohibited from participating in the recount from all state
28 employees to confidential state employees, employees of the
Legislature and elected state officials.

30 It changes cross-references to the new recount procedures.

32 It corrects cross-references pertaining to the production of
ballots and voting lists.

34
36 It repeals the provisions on determination of disputed
elections.

38 It repeals the qualifying reasons for absentee ballots.

40 It allows the use of an absentee ballot upon request.

42 It amends the absentee voting provisions for persons in the
Armed Forces, correcting a reference to the absentee voter
44 qualifications.

46 It limits the number of absentee ballot applications a
person may obtain for others to 3 within the last 14 days before
48 an election. It deletes the requirement in the bill that the
voter be hospitalized or physically unable to vote in person.

2 It requires the clerk to keep a list of the absentee ballots
3 outstanding. The amendment deletes reference to the total number
4 of ballots that may be outstanding in the community.

6 It retains the provision that designates absentee ballot
7 handling for compensation a Class D crime. It deletes reference
8 to handling one's own absentee ballot and deletes the provision
9 allowing payment for mileage and meals.

10 It designates as a Class C crime forging an absentee ballot,
11 envelope or application and a candidate's handling of someone
12 else's absentee ballot.

14 It designates as a Class B crime tampering with a voting
15 machine. The amendment adds a provision taking away the right to
16 vote for 3 years of a person convicted of this crime.

18 It designates as a Class C crime tampering with a voting
19 device, ballot cards, records or equipment.

22 It requires a referendum ballot to contain a place for
23 marking the ballot.

24 It changes a cross-reference in the procedures for appeal of
25 a municipal election. The amendment uses the procedures of the
26 Maine Revised Statutes, Title 21-A, section 746 for challenging
27 title to municipal office, leaving out the 15-day period since it
28 is contradicted by the recitation at the beginning of the section
29 of 20 days.

32 It changes cross-references to the new penalty provisions of
33 Title 21-A, section 32.

34 It contains an appropriation, an effective date and a fiscal
35 note.

Reported by Senator Hall for the Committee on Legal Affairs.
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(6/3/93) (Filing No. S-276)