

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

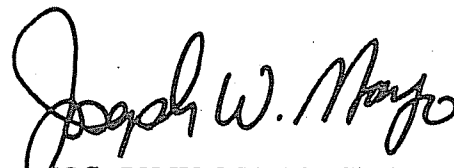
No. 1964

H.P. 1438

House of Representatives, March 3, 1994

An Act to Continue Election Reform Efforts.

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


JOSEPH W. MAYO, Clerk

Presented by Representative WHITCOMB of Waldo. (GOVERNOR'S BILL)
Cosponsored by Representatives: BENNETT of Norway, ROBICHAUD of Caribou.

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

2 **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 1989, c. 561,
4 §2, is further amended to read:

6 **2. Election practices.** To administer and investigate any
8 violations of the requirements for campaign reports and campaign
10 financing and to investigate and make findings of fact and
12 opinion on the final determination of the results, within the
limits of the Constitution of Maine and the Constitution of the
United States, of any contested count, state or federal election
within this State; and

14 **Sec. 2. 1 MRSA §1008, sub-§3**, as enacted by PL 1989, c. 561,
16 §3, is amended to read:

18 **3. Ethics seminar.** To conduct, in conjunction with the
20 Attorney General and the Chair of the Legislative Council or
22 their designees, an ethics seminar for Legislators after the
general election and before the convening of the Legislature, in
every even-numbered year. The Attorney General shall provide
each Legislator with a bound compilation of the laws of this
State pertaining to legislative ethics and conduct; and

24 **Sec. 3. 1 MRSA §1008, sub-§4** is enacted to read:

26 **4. Ethics; government officials.** To investigate complaints
28 of ethical impropriety of State Government officials whether or
30 not an alleged impropriety includes financial matters.

32 **Sec. 4. 21-A MRSA §606, sub-§4**, as enacted by PL 1985, c. 161,
§6, is amended to read:

34 **4. Records kept.** The Secretary of State shall keep a
36 record of the number of ballots furnished and the time when and
the manner in which the ballots were furnished to each voting
38 place. The Secretary of State shall certify to the Governor on
election day the number of ballots furnished to each municipality.

40 **Sec. 5. 21-A MRSA §681, sub-§1**, as enacted by PL 1985, c. 161,
42 §6, is amended to read:

44 **1. Within the guardrail enclosure.** The clerk, election
46 officials and not more than 2 voters in excess of the number of
voting booths may be within the guardrail enclosure. The warden
may permit peace officers to be within the enclosure to enforce
48 the law. All Candidates, party workers and all other persons
must remain outside of the enclosure.

2 **Sec. 6. 21-A MRSA §752, sub-§2,** as amended by PL 1991, c. 466,
3 §27, is further amended to read:

4 **2. Content of application.** The application must contain a
5 place for the following: Name of applicant, address, address to
6 which ballot is to be sent, title and year of election at which
7 ballot is to be cast, name of party in which the applicant is or
8 desires to be enrolled, date of application and a signature of
9 applicant and reason for requesting an absentee ballot. It must
10 contain a place for the applicant to designate the name of a
11 person to whom the ballot may be delivered and a place for the
12 registrar to certify whether the applicant is registered and the
13 party in which the applicant is or desires to be enrolled. It
14 must contain a conspicuously printed summary warning of the
15 provisions of Title 17-A, section 703.

16 **Sec. 7. 21-A MRSA §752, sub-§3,** as amended by PL 1991, c. 466,
17 §28, is further amended to read:

18 **3. Form of envelope.** The return envelope in which the
19 absentee ballot is placed must include on its outside a
20 conspicuously printed summary warning to the voter of the
21 provisions of section 791, subsection 1, paragraph C and Title
22 17-A, section 703. The envelope must also include an affidavit
23 to be signed by the voter, a statement regarding the reason for
24 the absentee ballot request and a certification to be completed
25 and signed by an aide who assists a voter under section 754-A,
26 subsection 3.

27 **Sec. 8. 21-A MRSA §759, sub-§7,** as amended by PL 1991, c. 862,
28 §7, is further amended to read:

29 **7. Processing before close of polls.** A notice signed by
30 the municipal officers must be posted at least 7 days before
31 election day in the same manner as posting the warrant under
32 section 621, stating each specific time that the clerk intends to
33 begin processing absentee ballots ~~after 2:00 p.m.~~ on election
34 day. The warden may review the notes of the clerk on each return
35 envelope and deposit the absentee ballots into the ballot box
36 before the close of the polls. The clerk shall notify the chairs
37 of each political party of the municipality, in writing, that
38 this procedure is to occur. If the clerk is unable to notify the
39 chair of the municipal political party, the clerk shall notify
40 the chair of the county or state political party.

41 **Sec. 9. 21-A MRSA §759, sub-§8,** as enacted by PL 1991, c. 466,
42 §32, is amended to read:

43 **8. Inspection after polls close.** If a candidate or that
44 candidate's representative notifies the warden before 8:00 p.m.

2 that the candidate wishes to inspect absentee ballot applications
and envelopes after the polls close, the warden shall allow the
4 candidate to inspect the applications and envelopes of ballots
that have not yet been deposited into the ballot box for 30
6 minutes after the polls close.

8 STATEMENT OF FACT

10 This bill does the following.

12 1. It expands the jurisdiction of the Commission on
Governmental Ethics and Election Practices.

14 2. It directs the Secretary of State to keep a record of
16 the number of ballots furnished to each municipality and certify
to the Governor the number furnished to each municipality on
18 election day.

20 3. It requires that an absentee ballot request include the
reason for requesting an absentee ballot.

22 4. It requires that the return envelope in which an
24 absentee ballot is placed include a statement regarding the
reason for the absentee ballot request.

26 5. It requires the municipal officers to specify each
28 specific time that the clerk intends to begin processing absentee
ballots and allows the candidate's representative to make
30 absentee ballot inspection requests.

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38 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.