

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 882

H.P. 659

House of Representatives, March 21, 1995

An Act to Qualify the Secretary of State's Ability to Invalidate a Petition.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.
Cosponsored by Representatives: BOUFFARD of Lewiston, JACQUES of Waterville,
KILKELLY of Wiscasset, LANE of Enfield, LUMBRA of Bangor, MITCHELL of Portland,
SAVAGE of Union, TREAT of Gardiner, UNDERWOOD of Oxford, Senators:
CLEVELAND of Androscoggin, HATHAWAY of York.

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

4 **Sec. 1. 21-A MRSA §902-A** is enacted to read:

6 **§902-A. Verification and certification errors**

8 The failure of the official authorized by law to maintain
10 the voting list of a city, town or plantation or the office of
12 the Secretary of State to follow the statutory and constitutional
requirements regarding the verification and certification of
petitions is not sufficient cause to invalidate a petition or a
page of the petition if the following conditions are met:

14 **1. Proper form.** The petition is in the proper form as
16 specified in section 901, subsection 3-A;

18 **2. Instructions followed.** The signer or circulator of the
20 petition has complied with the instructions specified in section
903; and

22 **3. Constitutional requirements met.** The petition was
24 presented for verification and certification as prescribed by the
Constitution of Maine, Article IV, Part Third, Section 20.

26 When a verification or certification error is made by the
28 official authorized by law to maintain the voting list of a city,
30 town or plantation, the Secretary of State shall return the
32 petition or pages of the petition incorrectly verified or
34 certified to the official authorized to fill out the verification
36 and certification part of the petition who caused the error. The
38 official must have the verification or certification errors
corrected within 5 days, not including Saturdays, Sundays or
holidays, from the date of the return of the petition or pages of
the petition incorrectly verified or certified. The corrected
petition or corrected pages of the petition must be returned to
the office of the Secretary of State by 5:00 p.m. on the 5th
day. Corrections in the verification or certification sections
of the petition or pages of the petition only are permitted.

40 **Sec. 2. 21-A MRSA §905, sub-§1,** as repealed and replaced by PL
42 1993, c. 353, §2, is amended to read:

44 **1. Secretary of State.** The Secretary of State shall review
46 all petitions filed in the Department of the Secretary of State
48 for a people's veto referendum under the Constitution of Maine,
Article IV, Part Third, Section 17, or for a direct initiative
under the Constitution of Maine, Article IV, Part Third, Section
18.

50 The Secretary of State shall determine the validity of the
52 petition and issue a written decision stating the reasons for the
decision within 30 days after the final date for filing the

2 petitions in the Department of the Secretary of State under the
3 Constitution of Maine, Article IV, Part Third, Section 17 or 18.
4 If violations of section 901, 902 or 903 are found, those
5 violations must be specified and reported to the applicant and
6 the clerk.

7 The failure of the clerk to follow the statutory and
8 constitutional requirements is not sufficient cause to invalidate
9 a petition or a page of the petition if the following conditions
10 are met:

12 A. The petition is in the proper form as specified in
13 section 901, subsection 3-A;

14 B. The signer or circulator of the petition has complied
15 with the instructions specified in section 903; and

16 C. The deadlines established by the Constitution of Maine,
17 Article IV, Part Third, Section 20 have been met.

22 STATEMENT OF FACT

24 This bill clarifies that the failure of a clerk of a
25 municipality to meet the statutory and constitutional
26 requirements of petition verification and certification is not
27 sufficient cause to invalidate a petition, if petition
28 circulators and signers have met their statutory and
29 constitutional requirements. It also requires the Secretary of
30 State to specifically notify the applicant of the petition and
31 the clerk when verification and certification errors are made,
32 and requires that the Secretary of State return the petitions to
the clerk who made the error for correction.