

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1461

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H.P. 1042

House of Representatives, May 2, 1995

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### **An Act to Update and Clarify the Election Laws.**

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Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.  
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 NADEAU of Saco.

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

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

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

8  
10       **Sec. 2. 21-A MRSA §23, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

12           **1. Registration and enrollment applications.** The registrar shall keep registration, enrollment and changes of enrollment applications and requests in his the registrar's office permanently, except that those records must be kept only 10 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and ~~162~~ 162-A.

18  
20       **Sec. 3. 21-A MRSA §102, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

22           The registrar may appoint one or more deputies. If the registrar is ~~to-be-absent-from-the-municipality~~ unavailable for a period exceeding 15 consecutive days, ~~he~~ the registrar shall appoint a deputy registrar who must be ~~physically-present-in-the-municipality~~ available to perform the duties of the registrar. If the registrar and ~~his~~ the appointed deputy are ~~absent-from-the-municipality~~ unavailable for more than 15 consecutive days, the municipal clerk shall serve as registrar pro tem.

30  
32       **Sec. 4. 21-A MRSA §103**, as amended by PL 1991, c. 862, §§1 and 2, is further amended by repealing and replacing the headnote to read:

34       **§103. Registration appeals board**

36  
38       **Sec. 5. 21-A MRSA §103**, as amended by PL 1991, c. 862, §§1 and 2, is further amended by inserting before subsection 1 a new paragraph to read:

40  
42       In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to remove a name from the voting list or to refuse to place it on the voting list, that person may appeal in writing to the registration appeals board.

46  
48       **Sec. 6. 21-A MRSA §103, sub-§1**, as amended by PL 1991, c. 862, §1, is further amended to read:

2 ~~a-population-of-5,000-or-over,-a-board-of-registration-consisting~~  
3 ~~of~~ The registration appeals board consists of 3 members who must  
4 be appointed as follows: The municipal committee of each of the  
5 major political parties shall nominate one member, who must be  
6 enrolled in the party of the municipal committee that nominates  
7 the member, and the municipal officers shall appoint the persons  
8 nominated by the municipal committees and the 3rd member must be  
9 nominated by the clerk of the municipality and appointed by the  
10 municipal officers. The clerk of the municipality may give the  
11 municipal committees of the political parties a list of  
12 qualifications necessary for a person to fulfill the duties of  
13 the ~~board--of~~ registration appeals board, and the municipal  
14 committees shall take those qualifications into consideration  
15 when nominating members to the board. The 2 members of the board  
16 nominated by the municipal committees of the major political  
17 parties may be members of the political committee nominating them  
18 and of the county or state committees of the political party that  
19 nominates them and may be members of a state or county delegation  
20 to a political convention. When a municipal committee nominates  
21 a member to the ~~board--of~~ registration appeals board, it shall  
22 also nominate an alternate board member, who ~~shall-serve~~ serves  
23 if the member nominated by the municipal committee is or becomes  
24 unable to serve.

26 **Sec. 7. 21-A MRSA §103, sub-§2**, as enacted by PL 1985, c. 161,  
27 §6, is amended to read:

28 **2. Population of 4,000 to 5,000.** A city or town which that  
29 has a population of 4,000 to 5,000 may, by vote of its  
30 legislative body, have a ~~board--of~~ registration instead--of--a  
31 ~~registrar~~ appeals board.  
32

34 **Sec. 8. 21-A MRSA §103, sub-§6**, as amended by PL 1985, c. 614,  
35 §4, is repealed and the following enacted in its place:

36 **6. Hours.** Upon receipt of a complaint by a person  
37 aggrieved by the decision of the registrar, the chair of the  
38 registration appeals board shall immediately fix a time and place  
39 for the board to meet for a prompt hearing. After hearing, the  
40 board may affirm, modify or reverse the decision of the registrar  
41 of voters. The aggrieved person may appeal the decision of the  
42 board to the District Court in accordance with the Rules of Civil  
43 Procedure.  
44

46 **Sec. 9. 21-A MRSA §103, sub-§7**, as enacted by PL 1985, c. 161,  
47 §6, is repealed and the following enacted in its place:

48 **7. Actions of the registration appeals board.** A  
49 registration appeals board may only act by unanimous or majority  
50 action.

2           **Sec. 10. 21-A MRSA §104**, as enacted by PL 1985, c. 161, §6,  
is repealed.

4           **Sec. 11. 21-A MRSA §115, sub-§2**, as enacted by PL 1985, c.  
6 161, §6, is amended to read:

8           **2. Voting restricted to district.** In a municipality which  
10 that has voting districts, a voter may, except as provided in  
section 630, vote using only in the ballot or ballots for the  
12 district in which he the voter resides on election day.

14           **Sec. 12. 21-A MRSA §122, sub-§4**, as amended by PL 1993, c.  
16 695, §7, is further amended to read:

18           **4. Election day registration.** The registrar shall accept  
registrations of applicants who appear in person on election  
20 day. The registrar shall issue to each of these applicants a  
certificate entitling the applicant to be placed on the voting  
list at the voting place. Only one certificate may be issued to  
22 any a person. An applicant whose address has changed since the  
applicant last voted must ~~be-allowed-to~~ vote ~~at-the-applicant's~~  
using the ballot or ballots for the new polling place, if  
24 applicable, on election day.

26           **Sec. 13. 21-A MRSA §129, sub-3**, as amended by PL 1993, c. 695,  
§9, is further amended to read:

28           **3. Failure to notify.** If a voter fails to notify the  
30 registrar of a change of name or address before the close of  
registrations, the voter must appear before the registrar on  
32 election day and follow the procedure outlined in section 661 if  
the voter wishes to vote, unless the registrar has already made  
34 the correction in following the procedure prescribed by section  
128. If the voter wishes to exercise the right to vote, the  
36 voter must ~~be-allowed-to~~ vote at using the ballot or ballots for  
the new polling place, if applicable, on election day.

38           **Sec. 14. 21-A MRSA §144, sub-§§2 and 3**, as amended by PL 1993,  
40 c. 330, §1, are further amended to read:

42           **2. Party designation removed from voting list.** On receipt  
of the application, the registrar shall remove the party  
44 designation beside the name of the applicant on the voting list.  
The registrar shall make a notation on the voting list that the  
46 applicant is ineligible to vote at a caucus or primary election  
for 15 days ~~and-that-the-applicant-is-ineligible-to-file-a~~  
48 ~~petition-as-a-candidate-for-nomination-by-primary-election-for-3~~  
~~months~~. Fifteen days after receiving the application, the  
50 registrar shall enroll the applicant in the party requested.

2 This subsection does not apply in the case of a voter who changes  
enrollment under subsection 4.

4

6 **3. Restrictions during change of enrollment.** Except as  
provided in subsection 4, a voter may not vote at a caucus,  
8 convention or primary election for 15 days after filing an  
application to change enrollment. ~~A voter may not file a  
petition as a candidate for nomination by primary election within  
10 3 months after filing an application to change enrollment, except  
as provided in subsection 4.~~ A voter must file an application to  
12 change enrollment prior to January 1st to be eligible to file a  
petition as a candidate in that election year.

14

16 **Sec. 15. 21-A MRSA §154, sub-§1,** as amended by PL 1993, c.  
695, §§13 and 14, is further amended to read:

18 **1. Application.** A person qualified to register under  
section 111, subsections 1 and 2 and ~~section 751, subsection 8,~~  
20 who is resides outside the United States and does not maintain a  
fixed and principal home or other address in the State may  
22 register and enroll by filing a federal postcard application or  
an application designed by the Secretary of State ~~and provided by~~  
24 ~~the registrar~~ containing the following information:

26 A. First name, middle name or initial and last name, or  
first name or initial, middle name and last name;

28

30 B. Residence Last residence address immediately before  
departing from the United States, including street, street  
number, apartment number, town and zip code;

32

34 C. Mailing address;

36

38 D. Date of birth;

40

42 ~~E. Last domicile immediately before departure from the  
United States;~~

44

46 ~~F. Voting district of the last domicile within the United  
States;~~

48

H. Notification that failure to complete the entire  
application may prevent registration;

50

I. Passport or identity card registration number;

52

J. Signature;

- 2 K. Sworn statement that the applicant is a United States  
citizen and that all information is correct;
- 4 L. Date of application;
- 6 M. Date of registration; and
- 8 N. Choice of political party if the registrant wishes to  
enroll in a political party or an indication that the  
10 applicant chose not to enroll in a party.

12 **Sec. 16. 21-A MRSA §161, sub-§4**, as enacted by PL 1985, c.  
14 161, §6, is amended to read:

16 **4. Proof of qualification is requested.** If the registrar  
is in doubt as to the qualifications of any a person to vote, he  
18 the registrar shall request that person's appearance at a  
reasonable time and place to offer proof. If the person fails to  
appear, the registrar shall ~~remove his name from the voting list~~  
20 and send him that person a notice in accordance with section ~~162~~  
162-A.

22 **Sec. 17. 21-A MRSA §163**, as enacted by PL 1985, c. 161, §6,  
24 is amended to read:

26 **§163. Appeal**

28 ~~If any~~ In a town that does not have a registration appeals  
board, if a person is aggrieved by the decision of the registrar  
30 of voters to remove a name from the voting list or to refuse to  
place it on the voting list, he the person may appeal in writing  
32 to the municipal officers of a municipality by filing a  
complaint. The municipal officers shall immediately fix a time  
34 and place for a prompt hearing. After hearing, the municipal  
officers may affirm, modify or reverse the decision of the  
36 registrar of voters. The aggrieved person may appeal the  
decision of the municipal officers to the District Court in  
38 accordance with the Rules of Civil Procedure.

40 **Sec. 18. 21-A MRSA §334**, as enacted by PL 1985, c. 161, §6,  
42 is amended to read:

44 **§334. Qualification of candidate for primary nomination**

46 A candidate for nomination by primary election must file a  
primary petition and consent under sections 335 and 336. He The  
candidate must be enrolled, on or before ~~April 1st~~ March 15th, in  
48 the party named in the petition and must be eligible to file a  
petition as a candidate for nomination by primary election under  
50 section 144, subsection 3. The registrar in the candidate's

2 municipality of residence must certify to that fact upon the  
petition.

4 **Sec. 19. 21-A MRSA §335, sub-§7, ¶B**, as enacted by PL 1985, c.  
161, §6, is amended to read:

6 B. The clerk or registrar of each municipality concerned  
8 shall certify which names on a petition appear on the voting  
list of that municipality as registered and enrolled voters  
10 and shall strike out any names ~~which~~ that do not satisfy  
subsection 3.

12 **Sec. 20. 21-A MRSA §335, sub-§8**, as enacted by PL 1985, c.  
14 161, §6, is amended to read:

16 **8. When filed.** A primary petition must be filed in the  
office of the Secretary of State before 5 p.m. on ~~April 1st~~ March  
18 15th of the election year in which it is to be used.

20 **Sec. 21. 21-A MRSA §336, sub-3**, as enacted by PL 1987, c. 214,  
§1, is amended to read:

22 **3. Residence and party declared.** The consent must contain  
24 a declaration of the candidate's place of residence and party  
designation and a statement that the candidate meets the  
26 qualifications of the office the candidate seeks, which the  
candidate must verify by oath or affirmation before a notary  
28 public or other person authorized by law to administer oaths or  
affirmations that the declaration is true. If, pursuant to the  
30 challenge procedures in section 337, any part of the declaration  
is found to be false by the Secretary of State ~~prior to the date~~  
32 ~~of the general election,~~ the consent and the primary petition are  
void, ~~pursuant to challenge procedures in section 337.~~

34 **Sec. 22. 21-A MRSA §353**, as enacted by PL 1985, c. 161, §6,  
36 is amended to read:

38 **§353. Qualification of candidate for nomination by petition**

40 A person who seeks nomination by petition qualifies by  
42 filing a nomination petition and consent as provided in sections  
354 and 355. If enrolled, the person must also withdraw his  
44 enrollment in a party prior to March 1st to be eligible to file a  
petition as a candidate in that election year, as provided in  
46 section 145, ~~at least 3 months before the filing date for the~~  
~~nomination~~ petition. The registrar in the candidate's  
48 municipality of residence must certify to that fact on the  
petition.



2           **Sec. 23. 21-A MRSA §354, sub-§7, ¶B**, as repealed and replaced  
by PL 1985, c. 614, §14, is amended to read:

4           B. Petitions must be delivered to the clerk or registrar  
for certification ~~at least 5 business days before the date~~  
6 ~~of the primary~~ by 5 p.m. on May 25th in the election year in  
which the petitions are to be used.

8           **Sec. 24. 21-A MRSA §354, sub-§7, ¶C**, as enacted by PL 1985, c.  
10 614, §15, is amended to read:

12           C. The clerk or registrar of each municipality concerned  
shall certify which names on a petition appear on the voting  
14 list of the municipality as registered voters and shall  
strike out any names which that do not satisfy subsection 3.

16           **Sec. 25. 21-A MRSA §354, sub-§8-A**, as enacted by PL 1985, c.  
18 383, §8, is amended to read:

20           **8-A. Filed with the Secretary of State.** A nomination  
petition must be filed in the office of the Secretary of State by  
22 5 p.m. on ~~the date of the primary election~~ June 1st in the  
election year in which it is to be used.

24           **Sec. 26. 21-A MRSA §355, sub-§3**, as amended by PL 1989, c.  
26 166, §3, is further amended to read:

28           **3. Residence declared.** The consent must contain a  
declaration of the candidate's place of residence and the fact  
30 that the candidate has not been enrolled in a party ~~for 3 months~~  
~~prior to the filing date for the nomination petition~~ qualified to  
32 participate in a primary or general election as of March 1st of  
that election year. The candidate must verify by oath or  
34 affirmation before a notary public or other person authorized by  
law to administer oaths or affirmations that the declaration is  
36 true. If, pursuant to the challenge procedures in section 356,  
any part of the declaration is found to be false by the Secretary  
38 of State ~~before the general election~~, the consent and the  
nomination petition are void, ~~pursuant to challenge procedures in~~  
40 ~~section 356.~~

42           A. Candidates for the office of county charter commission  
need not verify by oath or affirmation that they are not  
44 enrolled in a party.

46           **Sec. 27. 21-A MRSA §363, sub-§3**, as enacted by PL 1985, c.  
161, §6, is amended to read:

48           **3. Acceptance filed.** A person chosen under this section  
50 must file his a written acceptance containing a statement that

2 the person meets the qualifications of the office sought and  
3 declaring the person's residence and party enrollment with the  
4 Secretary of State.

5 **Sec. 28. 21-A MRSA §367**, as enacted by PL 1991, c. 466, §14,  
6 is amended to read:

7 **§367. Candidate withdrawal**

8 A candidate who wishes to withdraw from an elective race  
9 shall notify the Secretary of State in writing of the candidate's  
10 intent to withdraw ~~and the reason for withdrawal~~. This notice  
11 must be signed by the candidate. If the reason for the  
12 withdrawal is catastrophic illness, the procedures set forth in  
13 section 374-A, subsection 1, paragraph B must be complied with if  
14 the candidate is to be replaced.

15 **Sec. 29. 21-A MRSA §501**, as amended by PL 1987, c. 188, §4,  
16 is further amended to read:

17 **§501. Wardens and ward clerks**

18 **1. In a city.** In a city, the clerk of the municipality  
19 must be the supervisor of all elections except the clerk's own  
20 election. The selection, term of office, compensation and  
21 partial duties of wardens and ward clerks are determined by the  
22 city charter. Additional duties are prescribed by this Title.

23 **2. In a town.** In a town, ~~unless otherwise determined by~~  
24 ~~charter,~~ the clerk of the municipality shall be the supervisor of  
25 all elections except the clerk's own election. ~~With~~ Unless  
26 otherwise determined by charter, the clerk acts as warden on  
27 election day, or with the approval of the municipal officers, he  
28 shall the clerk may appoint a ~~warden and may appoint~~ another  
29 person to act as warden. The clerk may appoint one or more  
30 deputy wardens to assist in the duties on election day. The  
31 ~~clerk may designate himself as warden or deputy warden.~~ If the  
32 clerk appoints another person as warden, the clerk may serve as  
33 deputy warden. The municipal clerk, warden and deputy warden  
34 ~~shall be paid~~ are entitled to a reasonable compensation as  
35 determined by the municipal officers.

36 **3. Provisions applicable to both towns and cities.** Neither  
37 the warden nor any deputy warden may be an officer of a municipal  
38 committee of a political party. Deputy wardens shall perform the  
39 duties of the warden when necessary and may not replace election  
40 clerks prescribed by this Title. The warden and deputy wardens  
41 must be registered voters of the municipality, except when a  
42 nonresident clerk is acting as either warden or deputy warden.

2           **Sec. 30. 21-A MRSA §503**, as amended by PL 1993, c. 473, §10  
and affected by §46, is repealed and the following enacted in its  
place:

4           **§503. Election clerks**

6                   Election clerks are governed by the following provisions.

8                   **1. Qualifications; appointment; compensation.** Election  
10 clerks must be at least 18 years of age, registered to vote and a  
resident of the municipality. The municipal officers of each  
12 municipality shall appoint election clerks no later than May 1st  
of each general election year to serve at each voting place  
14 during the time the polls are open and as counters after the  
polls close. A list of the election clerks appointed by the  
16 municipal officers must be posted at each voting place. Election  
clerks are entitled to a reasonable compensation as determined by  
18 the municipal officers.

20                   **2. Representation of parties.** The municipal officers shall  
consider the following for appointment as election clerks.

22                   A. The municipal officers shall consider persons nominated  
24 by the municipal committees of the major parties to serve as  
election clerks. The municipal officers shall appoint at  
26 least one election clerk from each of the major parties to  
serve at each voting place during the time the polls are  
28 open. The municipal officers shall also appoint a  
sufficient number of election clerks to serve as counters  
30 after the polls close. The election clerks must be selected  
so that the number of election clerks from one major party  
32 does not exceed the number of election clerks from another  
major party by more than one.

34                   B. The municipal officers may also consider persons  
36 nominated by the municipal committee of a minor party and  
registered voters who are not enrolled in a party to serve  
38 as election clerks as needed. The municipal officers shall  
appoint at least one election clerk nominated by the  
40 municipal committee of a qualified minor party represented  
on the last general election ballot for each voting place at  
42 the committee's request.

44                   C. Notwithstanding subsection 1, the municipal officers may  
also consider persons who are 17 years of age to serve as  
46 student election clerks for a specific election. A student  
election clerk may not assist a voter unless the voter  
48 specifically requests assistance from the student election  
clerk.

2 All nominations for election clerks must be submitted to the  
3 municipal officers no later than April 1st of each general  
4 election year. If a municipal committee of a major party fails  
5 to submit a list of nominees to serve as election clerks, the  
6 municipal officers may appoint registered voters enrolled in that  
7 party to serve as election clerks.

8 **3. Number appointed to serve each voting place.** The  
9 municipal officers shall appoint at least 2 election clerks as  
10 provided by subsection 2, paragraph A to serve at each voting  
11 place during the time the polls are open. If required, they  
12 shall also appoint one election clerk as provided by subsection  
13 2, paragraph B to serve at each voting place during the time the  
14 polls are open. Additional election clerks may be appointed as  
15 needed. In the event of a vacancy in the election clerks  
16 appointed under this subsection, the municipal officers shall  
17 appoint alternate election clerks who may be called into service.

18 **4. Number appointed to serve as counters.** The municipal  
19 officers shall appoint election clerks in the same manner as in  
20 subsection 3 to serve as counters after the polls close.

21 **5. Vacancies.** If a sufficient number of election clerks is  
22 not available to serve on election day, the municipal clerk or  
23 the warden may appoint the necessary number of election clerks to  
24 fill the vacancies. When filling a vacancy, the municipal clerk  
25 shall first draw from the list of alternates appointed under  
26 subsection 3 and make every attempt to appoint a person with the  
27 same enrollment status as the person who vacated the position.

28 **6. Oath of office.** Before assuming the duties of office,  
29 election clerks are sworn by the municipal clerk or the warden  
30 and the oath is recorded.

31 **7. Term of office.** An election clerk holds office for 2  
32 years from the date of appointment and until a successor is  
33 appointed and qualified, except that an election clerk who is  
34 appointed to represent a qualified minor party represented on the  
35 last general election ballot holds office only for 2 years from  
36 the date of appointment.

37 **8. Duties.** Election clerks shall attend the voting places  
38 for which they are appointed at each election during the time the  
39 polls are open or during the counting of the ballots after the  
40 polls close, as required by the terms of their appointment. They  
41 are under the direction of the warden and shall assist the warden  
42 as requested.

2        9. Application of city charter. This section does not  
4        affect a city charter that provides for the election of 2 persons  
6        to assist the warden in receiving, sorting and counting ballots.  
8        The persons elected under the authority of the charter are  
10       considered to be election clerks and each must represent a  
12       different major party.

14       10. Training. The Secretary of State shall encourage  
16       municipalities to provide training biennially to all election  
18       officials.

20       **Sec. 31. 21-A MRSA §602, sub-§2, ¶A,** as amended by PL 1993, c.  
22       473, §15 and affected by §46, is further amended to read:

24            A. The names of candidates for any one office may not be  
26            split into more than one column regardless of number. The  
28            initial letters of the last names of the candidates must be  
30            printed directly beneath each other in a vertical line and  
32            ~~the initial letters of~~ the respective party designations of  
34            each nominee must be printed directly beneath each other in  
36            a vertical line.

38        **Sec. 32. 21-A MRSA §602, sub-§7,** as enacted by PL 1985, c.  
40        161, §6, is amended to read:

42            **7. Contents concealed.** The ballots must be folded  
44            uniformly so that the interior contents are concealed, except in  
46            municipalities using electronic tabulating systems.

48        **Sec. 33. 21-A MRSA §603, sub-§3,** as enacted by PL 1985, c.  
50        161, §6, is amended to read:

52            **3. Available for publication.** -A- Within a reasonable time  
54            before the election, the Secretary of State shall make specimen  
56            ballots available for publication in all newspapers having  
58            general circulation in the area to which the ballots pertain. A  
60            single specimen ballot so published may carry the name of each  
62            candidate for State Senator and Representative to the Legislature  
64            in the area covered by the circulation of the newspaper. The  
66            name of the voting district need not be printed on the published  
68            specimen ballot.

70        **Sec. 34. 21-A MRSA §603, sub-§4,** as enacted by PL 1985, c.  
72        161, §6, is repealed.

74        **Sec. 35. 21-A MRSA §603, sub-§4-A and 4-B** are enacted to read:

2 4-A. Clerk to review specimen ballots. Upon receipt, the  
clerk shall review the specimen ballots for accuracy and must  
immediately notify the Secretary of State of any errors.

4  
6 4-B. Duplication of specimen ballots. Specimen ballots may  
be duplicated as needed at the clerk's own discretion.

8 **Sec. 36. 21-A MRSA §604, sub-§3** is enacted to read:

10 3. Candidate or nominee to fill vacancy. When a candidate  
for nomination or a nominee is chosen to fill a vacancy, the  
12 Secretary of State and the clerk of each interested municipality  
shall perform the duties required by this section as promptly as  
14 possible.

16 **Sec. 37. 21-A MRSA §606, first ¶,** as amended by PL 1993, c. 695,  
§26, is further amended to read:

18  
20 Within a reasonable time before any election, the Secretary  
of State shall furnish each municipality with official ballots,  
and specimen ballots, ~~test-ballots-for-electronic-voting-systems~~  
22 including a sufficient number to be used for testing electronic  
tabulating systems if applicable, instruction posters, election  
24 return forms, posters of specimen ballots for constitutional  
resolutions and statewide referenda, including the Attorney  
26 General's explanatory statements prepared under Title 1, section  
353, and the summary of the proposal prepared under section 901,  
28 subsection 5, materials setting forth the full text of all  
constitutional resolutions and statewide referenda and other  
30 materials necessary for conducting and reporting the results of  
the election.

32  
34 **Sec. 38. 21-A MRSA §606, sub-§§1 and 2,** as amended by PL 1991,  
c. 780, Pt. U, §24, are further amended to read:

36 **1. Number of ballots furnished.** The Secretary of State  
shall ~~furnish each voting place with at least 75 ballots for~~  
38 ~~every 50 votes cast at that voting place at the last election of~~  
~~that type~~ review the number of votes cast at the last election of  
40 that type as well as current registration and enrollment  
statistics in each voting district when determining the number of  
42 ballots to be furnished to each municipality. If the clerk  
believes that extra ballots will be needed, the clerk must  
44 request them from the Secretary of State a reasonable time before  
the election. The Secretary of State may send the requested  
46 number to the clerk and may furnish as many additional ballots as  
the Secretary of State believes necessary.

48  
50 **2. How packaged.** The ballots must be packed in sealed,  
marked packages in units as determined by the Secretary of

2 State. The other election materials must be separately packed in  
3 a sealed package or packages or box or boxes and sent to the  
4 clerk of each municipality. Each package or box must be labeled  
5 on the outside with ~~the number of~~ each kind of material enclosed  
6 and the name of the voting place for which it is intended.

7 **Sec. 39. 21-A MRSA §606, sub-§3**, as amended by PL 1993, c.  
8 695, §27, is further amended to read:

9 **3. Receipt issued; inspection of ballots in an election.**  
10 The clerk shall immediately send the Secretary of State a receipt  
11 for the ballots the clerk receives. Upon receipt of a package or  
12 box containing ballots for an election, the clerk shall open, in  
13 the presence of one or more witnesses, the sealed package or box  
14 containing the ballots in order to ensure that the ballots do not  
15 ~~differ materially from the appropriate specimen ballot described~~  
16 ~~in section 603~~ contain any errors and that the correct number of  
17 ballots have been received. The clerk shall immediately notify  
18 the Secretary of State if a ballot ~~differs materially from the~~  
19 ~~appropriate specimen ballot described in section 603~~ is incorrect  
20 or if a sufficient number has not been received. Ballots to be  
21 used for testing electronic tabulating devices may be removed at  
22 this time and immediately marked as provided by section 3-A.

23 **Sec. 40. 21-A MRSA §606, sub-§3-A**, as repealed and replaced by  
24 PL 1993, c. 695, §28, is amended to read:

25 **3-A. Use of test ballots in an election.** Ballots may be  
26 used to test ~~automatic~~ electronic tabulating equipment devices  
27 under section 854. In the presence of one or more witnesses, the  
28 clerk shall clearly mark each ballot used for testing with the  
29 word "TEST" across the front side of the ballot in black or blue  
30 indelible ink. The clerk shall keep a record of the number of  
31 ballots used for testing purposes ~~throughout the preelection and~~  
32 ~~postelection~~ and seal the record with the test ballots in a  
33 container labeled "TEST BALLOTS" at the conclusion of the testing  
34 of the tabulating equipment.

35 **Sec. 41. 21-A MRSA §606-A, sub-§2**, as enacted by PL 1985, c.  
36 363, §2, is amended to read:

37 **2. Secretary of State to furnish ballots.** The Secretary of  
38 State shall ~~provide to the clerk at least 75 ballots for every 50~~  
39 ~~votes cast at that voting place by persons registered or enrolled~~  
40 ~~under section 156 in the last election of that type~~ review the  
41 number of votes cast at the last election of that type by persons  
42 registered and enrolled under section 156 when determining the  
43 number of ballots to be furnished to each municipality. These  
44 ballots shall must contain the names of the nominees or

2 candidates for offices in the electoral divisions in which the  
voters registered under section 156 reside.

4 **Sec. 42. 21-A MRSA §621, first ¶**, as amended by PL 1991, c.  
6 862, §5, is further amended to read:

8 The Secretary of State shall send the ~~warrants~~ warrant to  
the municipal clerk, who shall prepare and present ~~them~~ the  
10 warrant to the municipal officers. The municipal officers of  
each municipality shall announce an election as follows.

12 **Sec. 43. 21-A MRSA §622**, as amended by PL 1985, c. 819, Pt.  
14 A, §§22 and 23, is further amended to read:

16 **§622. Warrant**

18 The warrant for announcing an election must read  
substantially as follows.

20 (Title of election) ELECTION WARRANT

22 (Name of county), ss. State of Maine

24 (Name of Municipality)

26 To (name of constable or resident), a constable (or  
resident) of ~~{name-of-municipality}~~ this municipality: You are  
28 hereby required in the name of the State of Maine to notify the  
voters of this municipality of the election described in this  
30 warrant.

32 To the voters of ~~{name-of-municipality-and-voting-district,-if~~  
34 any} the above-named municipality and (voting district):

36 You are hereby notified that an election will be held at  
(name of voting place) on (day and date of election) for the  
purpose of (nomination or election) to the following offices:  
38 (list of offices); and determining the following referendum  
questions: (list of questions).

40 The polls shall must be opened at ..... a.m. and closed at  
42 ..... p.m.

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



2 A person who is not registered as a voter may not vote in  
any election. A voter who is not enrolled in a political party  
may not vote in a primary election.

4 Dated,

(date signed).

.....  
.....  
.....  
.....  
.....

14 Majority of municipal officers  
of ~~(name of municipality)~~

16 **Sec. 44. 21-A MRSA §623**, as enacted by PL 1985, c. 161, §6,  
18 is amended to read:

20 **§623. Officer's return on warrant**

22 The officer's return must appear on the back of the warrant  
substantially as follows.

24 OFFICER'S RETURN

26 ~~(Name of county)~~, ss.

State of Maine

28 I certify that I have notified the voters of ~~(name of~~  
30 ~~municipality and voting district, if any)~~ of the time and place  
of the (title of election) election by posting an attested copy  
32 of ~~the~~ within this warrant at (place of posting) on (date of  
posting) which is at least 7 days next prior to election day.

34 Dated at ~~(name of municipality)~~, (date signed).

36 (Signature of Officer)

38 Constable (or resident) of

40 ~~(name of municipality)~~

42 **Sec. 45. 21-A MRSA §627, sub-§4**, as enacted by PL 1985, c.  
44 161, §6, is amended to read:

46 **4. Pollwatchers.** Municipalities must provide a polling  
place large enough to allow at least one worker from each  
48 political party to remain outside the guardrail enclosure for the  
purpose of checking voters, challenging voters or viewing.  
50 Additional party workers may be allowed if arrangements are made

2 with the municipal clerk prior to election day. If those  
3 arrangements are not made in advance of election day, the warden  
4 has the discretion to either allow or prohibit additional party  
5 workers to be present. If the chairman chair of any party's  
6 state committee submits a written complaint to the Secretary of  
7 State at least 30 days before an election, the Secretary of State  
8 shall authorize an inspection of the polling place considered to  
9 be too small to allow party workers access. If the Secretary of  
10 State finds a polling place to be too small to allow party  
11 workers access, he the Secretary of State shall instruct the  
12 municipal officers to change the location of the polling place to  
13 one of a suitable size. The municipal officers must advertise  
14 the change of the polling place at least 3 times in the daily or  
15 weekly newspaper, or both, that covers the area.

16 **Sec. 46. 21-A MRSA §628, sub-§3,** as enacted by PL 1985, c.  
17 161, §6, is amended to read:

18 **3. Defective, lost or destroyed.** If a ballot box becomes  
19 defective, lost or destroyed, the clerk must apply in writing to  
20 the Secretary of State for another. The Secretary of State shall  
21 supply or approve a replacement at the expense of the  
22 municipality.

24 **Sec. 47. 21-A MRSA §629, sub-§1,** as amended by PL 1985, c.  
25 315, is further amended to read:

28 **1. Provided by municipality.** The municipal officers of  
29 each municipality shall provide a sufficient number of voting  
30 booths for each election. Those municipalities using voting  
31 machines must comply with section 811, subsection 4. ~~These~~  
32 ~~municipalities using voting devices must comply with section 842,~~  
33 ~~subsection 4.~~

34 **A.** In a general election, the municipal officers in each  
35 municipality of 4,000 or more population must provide at  
36 least one voting booth for each 150, or fraction exceeding  
37 1/2 of that number, of the voters qualified to vote at each  
38 voting place. In a municipality of less than 4,000  
39 population, the municipal officers must provide at least one  
40 voting booth for each 200, or fraction exceeding 1/2 of that  
41 number, of the voters qualified to vote in each voting place.

44 **B.** In other than a general election, the municipal officers  
45 may provide fewer voting booths than required by paragraph A  
46 when circumstances indicate that fewer booths will be  
47 adequate to provide for an orderly flow of voters on  
48 election day.

2 C. In any election, the municipal officers may provide more  
than the number of voting booths required by paragraph A.

4 D. A reasonable time before a general election, the  
6 Secretary of State shall notify the clerk of each  
municipality of the requirements of this subsection. The  
8 clerk shall calculate the number of voting booths required  
at each voting place based on the number of voters  
10 registered at that time. Within 10 days after receiving the  
notice, the clerk shall certify in writing to the Secretary  
12 of State the number of voters registered at each voting  
place and the number of voting booths the municipality will  
provide at each voting place for the election.

14 E. The Secretary of State may arrange for inspections to  
16 ensure that municipalities comply with this subsection.

18 **Sec. 48. 21-A MRSA §629, sub-§3**, as amended by PL 1993, c.  
447, §14, is further amended to read:

20 **3. Described.** Each booth must have within it a pencil or  
22 marker without an eraser and a shelf on which a voter may mark a  
ballot conveniently. An instruction poster provided under  
24 section 605 must be securely placed above the shelf to assist the  
voter. Each booth must have back and side panels large enough to  
26 screen the voter from the observation of others.

28 **Sec. 49. 21-A MRSA §630, sub-§2**, as amended by PL 1989, c.  
502, Pt. A, §63, is further amended to read:

30 **2. Voting places.** ~~Before--July--1,--1985,--each~~ Each  
32 municipality shall must provide at least one voting place which  
that is in a building which and is accessible as defined in  
34 subsection 1.

36 ~~A.--The--Secretary--of--State--shall--grant--a--waiver--from--the~~  
38 ~~requirements--of--this--subsection--to--any--municipality--which~~  
~~satisfactorily--demonstrates--that--those--requirements--ought~~  
40 ~~not--to--apply--or--would--create--an--extreme--hardship.--Factors~~  
~~which--the--Secretary--of--State--may--consider--in--making--that~~  
42 ~~determination--include,--but--are--not--limited--to,--the~~  
~~following:--The--municipality--has--no--handicapped--voters--and~~  
44 ~~the--physical--limitations--of--a--voting--place--make--it~~  
~~impractical--to--provide--an--accessible--voting--place--as~~  
46 ~~described--in--subsection--1.--The--Secretary--of--State--shall~~  
~~promulgate--in--accordance--with--the--Maine--Administrative~~  
48 ~~Procedure--Act,--Title--5,--chapter--375,--subchapter--II,--rules~~  
~~governing--the--circumstances--and--procedures--for--granting--a~~  
50 ~~waiver--under--this--paragraph.~~

2 B. In municipalities in which one or more voting places are  
3 inaccessible to handicapped voters and in which the office  
4 of the clerk is in a building ~~which~~ that is accessible as  
5 defined in subsection 1, paragraph A, the municipal officers  
6 shall designate the office of the clerk as an alternative  
7 voting place for physically handicapped voters who reside in  
8 voting districts ~~which~~ that do not have accessible voting  
9 places. In municipalities in which one or more voting  
10 places and the office of the clerk are inaccessible to  
11 physically handicapped voters and in which one or more  
12 voting ~~place~~-~~is~~ places are accessible to these voters, the  
13 municipal officers shall designate one of these accessible  
14 voting places, as centrally located as possible, as the  
15 alternative voting place for physically handicapped voters  
16 who reside in voting districts ~~which~~ that do not have  
17 accessible voting places. A physically handicapped voter who  
18 wishes to vote at an alternative voting place must notify  
19 the clerk of the municipality at least 48 hours before the  
20 date of any election. This notice may be waived if an  
21 emergency exists. The clerk shall keep a list of the  
22 persons who give this notice.

23  
24 Not later than 10 days before the date of any election, the  
25 clerk shall issue a public notice designating the location  
26 of the alternative accessible voting place. This notice is  
27 not required in any municipality in which all or no voting  
28 places are accessible to these persons.

29  
30 When a physically handicapped voter votes at the office of  
31 the clerk or at an alternative voting place, that voter  
32 shall vote by absentee ballot and the method of voting shall  
33 must be the same as in section 754-A. If an alternative  
34 voting place ~~has-been~~ is designated, the clerk shall furnish  
35 a reasonable number of absentee ballots and return envelopes  
36 to the warden. When the clerk or the warden receives such a  
37 ballot, the clerk or warden shall follow, as far as  
38 applicable, the same procedure prescribed in subchapter IV  
39 for the clerk to follow in handling absentee ballots.

40 **Sec. 50. 21-A MRSA §631, sub-§6** is enacted to read:

41 **6. Voting districts.** Voting districts are defined as wards  
42 that may be further divided into precincts.

43  
44 **Sec. 51. 21-A MRSA §651, sub-§2-A**, as enacted by PL 1991, c.  
45 347, §4, is repealed.

46  
47 **Sec. 52. 21-A MRSA §652**, as enacted by PL 1985, c. 161, §6,  
48 is amended to read:  
49  
50

2  
3 **§652. Certified voting list and official ballot box**

4 The certified copies of the voting list provided by the  
5 registrar and official ballot boxes shall must be used  
6 exclusively at each voting place. If it becomes impossible to  
7 use the official ballot box, the warden shall direct the method  
8 by which voting is to proceed. The ~~ward--clerk~~ warden shall  
9 record the reason why the ballot box was not used and shall place  
10 an attested copy of this record in the package with the ballots  
11 cast.

12 **Sec. 53. 21-A MRSA §662, sub-§4**, as enacted by PL 1987, c.  
13 225, is amended to read:

14 **4. Collection of signatures.** The warden may select and  
15 designate a specific location at the voting place, accessible and  
16 observable by the voters, where the collection of signatures may  
17 take place. The warden may limit the number of persons  
18 collecting signatures to one for each specific question,  
19 candidate or issue. More than one individual representing a  
20 specific question, candidate or issue may be present to collect  
21 signatures as long as arrangements are made with the municipal  
22 clerk prior to election day. If arrangements are not made in  
23 advance of election day, the warden has the discretion to either  
24 allow or prohibit additional petition circulators to be present.  
25 Persons collecting signatures may not solicit a voter's signature  
26 until the voter has completed voting. The warden may direct the  
27 removal, under subsection 2, paragraph A, of any person  
28 collecting signatures who does not comply with the requirements  
29 of this subsection.  
30

31 **Sec. 54. 21-A MRSA §671, sub-§5**, as enacted by PL 1985, c.  
32 161, §6, is amended to read:

33 **5. Ballot deposited.** When he the voter leaves the voting  
34 booth, the voter shall proceed to the ballot box. The clerk  
35 shall require the voter to deposit in the ballot box all ballots,  
36 marked or unmarked, issued to the voter under subsection 3, and  
37 the voter shall then leave the area enclosed by the guardrail.  
38 ~~He~~ The voter may not leave the guardrail enclosure until he the  
39 voter has deposited his the ballot.  
40

41 **A.** If, by vote of the municipal officials, a municipality  
42 has required the use of a an outgoing voting list, the voter  
43 must announce his the voter's name and, upon request, street  
44 address to the election clerk in charge of that list before  
45 depositing the ballots in the ballot box.  
46

47 **Sec. 55. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 1991, c.  
48 466, §19, is further amended to read:  
49  
50

- 2           A. Only the following reasons for challenges may be  
3           accepted by the warden. The challenged person:  
4  
5           (1) Is not a registered voter;  
6  
7           (2) Is not enrolled in the proper party, if voting in  
8           a primary election;  
9  
10          (3) Is not qualified to be a registered voter because  
11          the challenged person is not:  
12               (a) At least 18 years of age;  
13               (b) A citizen of the United States; or  
14               (c) A resident of the municipality or appropriate  
15               electoral district within the municipality;  
16  
17          (4) Did not properly apply for an absentee ballot;  
18  
19          ~~(5) -- Is not a qualified absentee voter as prescribed by~~  
20          ~~section 751;~~  
21  
22          (6) Did not properly complete the affidavit on the  
23          absentee return envelope;  
24  
25          (7) Did not cast the ballot or complete the affidavit  
26          before the appropriate witness;  
27  
28          (8) Communicated with someone as prohibited by section  
29          754-A, subsection 1, paragraph B or subsection 3,  
30          paragraph B or D;  
31  
32          (9) Did not have the ballot returned to the clerk by  
33          the time prescribed;  
34  
35          (10) Voted using the name of another; or  
36  
37          (11) Committed any other specified violation of this  
38          Title.  
39

40               **Sec. 56. 21-A MRSA §673, sub-§3**, as repealed and replaced by  
41               PL 1985, c. 357, §§3 and 19, is amended to read:  
42

43               **3. Ballot marked.** The warden shall write a number on the  
44               outside of the ballot. The warden shall also complete a  
45               certificate on which appears the word "Challenged," the name of  
46               the voter challenged and the reason for the challenge over his  
47               the voter's signature. The challenger shall also sign the  
48               signature.  
49  
50

2 certificate. After the challenger has signed the certificate,  
the warden shall place the number which that was written on the  
4 ballot in a conspicuous place on the certificate. ~~No one other~~  
than Only the warden may know the ballot number. The warden  
6 shall place the challenge certificate in an a sealed envelope  
marked "Challenge Certificate #(certificate number)" and shall  
8 retain the envelope until it is sealed with the ballot materials  
pursuant to section 698.

10 **Sec. 57. 21-A MRSA §682, sub-§2,** as amended by PL 1993, c.  
473, §19 and affected by §46, is further amended to read:

12  
14 **2. Influence prohibited.** Within 250 feet of the entrance  
to the voting place as well as within the voting place itself, a  
16 person may not influence or attempt to influence another person's  
decision regarding a candidate or ballot issue. This limitation  
18 does not prohibit a candidate from attending the voting place and  
orally communicating with voters, as long as the candidate does  
20 not attempt to influence their vote. A candidate may not state  
the name of the office sought or request a person's vote.

22 **Sec. 58. 21-A MRSA §682, sub-§3,** as amended by PL 1993, c.  
473, §20 and affected by §46, is further amended to read:

24  
26 **3. Advertising prohibited.** A person may not display any  
advertising material, operate any advertising medium, including a  
28 sound amplification device, or distribute campaign literature,  
posters, palm cards, buttons, badges or stickers intended  
containing a candidate's name or otherwise intending to influence  
30 the opinion of any voter within 250 feet of the entrance to  
either the voting place or the registrar's office. The term  
32 "sound amplification device" includes, but is not limited to,  
sound trucks, loudspeakers and blowhorns.

34  
36 Party workers and others who remain in the voting place outside  
the guardrail enclosure may not use within the voting place  
38 cellular phones, beepers, voice or signal pagers or similar  
devices that make noise or allow direct audible voice  
40 communication within the voting place. The warden may exempt  
election officials and emergency workers such as Emergency  
Medical Technicians and police from this provision.

42  
44 A. This subsection does not apply to advertising material  
on automobiles traveling to and from the voting place. It  
46 does not prohibit a person from passing out stickers at the  
voting place to be pasted on the ballot at a primary  
48 election. It does not prohibit a person who is at the polls  
solely for the purpose of voting from wearing a campaign  
50 button when the longest dimension of the button does not  
exceed 3 inches.

2 B. A person who knowingly engages in activities prohibited  
by this section commits a Class E crime.

4 C. Nonpolitical charitable activities and other  
6 nonpolitical advertising may be allowed at the discretion of  
8 the clerk if arrangements are made prior to election day.  
10 If arrangements are not made in advance of election day, the  
12 warden may, at the warden's discretion, either allow or  
14 prohibit nonpolitical charitable activities and other  
16 nonpolitical advertising.

18 **Sec. 59. 21-A MRSA §693**, as enacted by PL 1985, c. 161, §6,  
20 is amended to read:

22 **§693. Spoiled ballots**

24 If a voter spoils ~~his~~ the ballot, ~~he~~ the voter may obtain a  
26 replacement, not more than twice, by returning the spoiled ballot  
to the election clerk in charge of issuing ballots. The warden  
or ward clerk shall mark "Spoiled by voter" on the outside of the  
spoiled ballot, sign it and ~~keep it segregated from the other~~  
~~ballots.~~ place it in an envelope marked "Spoiled ballots." If  
a replacement ballot is issued to the voter, the warden or ward  
clerk must ~~indicate that fact~~ mark "Replacement ballot issued" on  
the outside of the spoiled ballot.

28 **Sec. 60. 21-A MRSA §696, sub-§2, ¶C**, as enacted by PL 1985, c.  
30 161, §6, is amended to read:

32 C. If a voter marks a write-in square for an office, but  
34 does not write in both a name and a municipality of  
36 residence in the blank space provided to the right of the  
write-in square, that vote for that office ~~shall~~ is not be  
counted, unless a determination of choice under subsection 4  
is possible.

38 **Sec. 61. 21-A MRSA §697**, as amended by PL 1993, c. 447, §15,  
40 is further amended to read:

42 **§697. Use of red pens by election officials**

44 Any An election official, ~~ballot~~ election clerk, ~~assistant~~  
46 ~~ballot-clerk~~ or any person employed as a counter of ballots must  
use pens or pencils containing only red ink or red lead.

48 **Sec. 62. 21-A MRSA §698, sub-§§2-A and 2-B**, as enacted by PL  
1993, c. 473, §25 and affected by §46, are amended to read:



2-A. **Used ballots placed in tamper-proof containers.** The election clerks shall place the ~~sealed packages of~~ used ballots, envelopes containing challenge certificates, spoiled ballots, defective ballots, void ballots, used absentee ballots, used absentee envelopes and, used absentee applications and official tally tapes from electronic tabulating systems in tamper-proof ballot containers. The ballot containers must be furnished by the Secretary of State.

If a tamper-proof container becomes defective, lost or destroyed, the clerk must apply in writing to the Secretary of State for another. The Secretary of State shall supply or approve a replacement at the expense of the municipality.

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

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

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

**Sec. 63. 21-A MRSA §737-A, 4th ¶,** as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

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's representatives or the candidate's counsel to recount the ballots. The candidate may not act as a counter of ballots.

2           **Sec. 64. 21-A MRSA §737-A, sub-§1**, as enacted by PL 1993, c.  
473, §31 and affected by §46, is amended to read:

4           **1. Deposit for recount.** All deposits required by this  
6 section must be made with the Secretary of State when a recount  
is requested. Once the ~~reeount-has-begun~~ State Police have taken  
8 custody of the ballots and other election materials from the  
municipalities, the deposit made by the candidate requesting the  
10 recount is forfeited to the State if the resulting count fails to  
change the outcome of the election. If the recount reverses the  
12 election, the deposit must be returned to the candidate  
requesting the recount. The amount of the deposit is calculated  
as follows.

14           A. If the percentage difference shown by the official  
16 tabulation between the leading candidate and the 2nd-place  
candidate is 2% or less of the total votes cast for that  
18 office, a deposit is not required.

20           B. If the percentage difference shown by the official  
22 tabulation between the leading candidate and the 2nd-place  
candidate is more than 2% and less than 4% of the total  
24 votes cast for that office, the deposit is \$500.

26           C. If the percentage difference shown by the official  
28 tabulation between the leading candidate and the 2nd-place  
candidate is 4% or more of the total votes cast for that  
office, the deposit is \$1,000.

30           **Sec. 65. 21-A MRSA §751**, as amended by PL 1991, c. 466, §§24  
and 25, is repealed.

32           **Sec. 66. 21-A MRSA §751-A** is enacted to read:

34           **§751-A. Proper at any election**

36           Absentee ballots may be cast in any election by any voter  
38 who desires to do so.

40           **Sec. 67. 21-A MRSA §752, sub-§1, ¶A**, as amended by PL 1991, c.  
466, §26, is further amended to read:

42           A. At least 90 days before the election to which they  
44 pertain, the Secretary of State shall furnish each  
municipality with a reasonable number of blank absentee  
46 ballots for use by members of the Armed Forces and citizens  
outside the United States who have met the qualifications in  
48 section 751 ~~751~~ 751-A. These ballots must be similar to regular  
ballots, except that no candidate names may be printed. The  
50 Secretary of State shall prepare a ballot listing all

2 offices to be selected with a space after each office to  
write in the voter's preference. The following instructions  
must be printed in bold type at the top of the ballot: YOU  
4 MAY VOTE FOR A PERSON BY WRITING IN THAT PERSON'S NAME AND  
MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE  
6 PROPER OFFICE.

8 **Sec. 68. 21-A MRSA §752, sub-§3**, as amended by PL 1991, c.  
466, §28, is further amended to read:

10 **3. Form of envelope.** The return envelope in which the  
absentee ballot is placed must include on its outside a  
conspicuously printed summary warning to the voter of the  
12 provisions of section 791, subsection 1, paragraph C and Title  
17-A, section 703. The envelope must also include an affidavit  
14 to be signed by the voter, a witness or witnesses when required  
and a certification to be completed and signed by an aide who  
16 assists a voter under section 754-A, subsection 3.  
18

20 **Sec. 69. 21-A MRSA §753, sub-§2**, as amended by PL 1985, c.  
357, §§10 and 19, is further amended to read:

22 **2. Request in writing.** ~~If a voter is temporarily outside~~  
24 ~~the State,~~ a written request for an absentee ballot from the  
voter, the voter's spouse, a blood relative of the voter or the  
26 voter's former guardian is sufficient for the municipal clerk to  
issue an absentee ballot.  
28

30 **Sec. 70. 21-A MRSA §753, sub-§3**, as amended by PL 1993, c.  
473, §35 and affected by §46, is further amended to read:

32 **3. Application or request received.** On receipt of a  
completed application or a request for an absentee ballot signed  
34 by the applicant, the clerk may immediately send or deliver an  
absentee ballot and return envelope to the applicant or to a 3rd  
36 person designated in the application or request. The clerk may  
not deliver an absentee ballot to ~~any 3rd person whose name~~  
38 ~~appears on an absentee ballot~~ a candidate or a member of a  
candidate's immediate family. The clerk may not deliver to a 3rd  
40 person any absentee ballot requested under subsection 2-A. If a  
municipal election is to be held on the same date as a statewide  
42 election, absentee ballots for the municipal and statewide  
election may be issued in response to the same application. The  
44 clerk shall issue to any 3rd person designated in an application  
or request only enough absentee ballots to ~~insure~~ ensure  
46 that that person ~~will~~ does not have more than ~~10~~ 2 absentee ballots  
for voters in a municipality at any time. A 3rd person must,  
48 unless good cause is shown, return an absentee ballot to the  
clerk's office within the time limits provided in section 755.  
50 The clerk shall include a ballot application to be completed by

2 the person who signed only a written request, unless the written  
3 request is sufficient under subsection 2. The clerk shall type  
4 or write in ink the name and the legal address of the person for  
5 whom the absentee ballot is intended in the upper left hand  
6 section of all return envelopes.

7 A. If the clerk receives a duplicate application from a  
8 person from whom the clerk has received a return envelope  
9 apparently containing an absentee ballot, the clerk may not  
10 furnish another absentee ballot for that person.

11 B. The clerk may issue a 2nd absentee ballot to an  
12 applicant if the applicant requests one in person or in  
13 writing and:

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

17 (2) An absentee ballot for the applicant that was  
18 furnished to a designated 3rd person is not returned to  
19 the clerk's office within 2 business days of the date  
20 that ballot was sent or delivered to the 3rd person or  
21 the date that 3rd person was notified by the clerk that  
22 the ballot was available, or by 10 a.m. on the day  
23 before election day, whichever is earlier. If a ballot  
24 for an applicant is not returned to the clerk within 2  
25 days of notification, the clerk shall mail a ballot to  
26 that applicant on the 3rd day after notification and  
27 may issue no other ballot to the applicant except for  
28 good cause as provided in this subsection. This  
29 subparagraph does not affect the time for delivery of  
30 absentee ballots under section 755.

31  
32  
33 **Sec. 71. 21-A MRSA §753, sub-§7**, as amended by PL 1985, c.  
34 357, §§10 and 19, is further amended to read:

35  
36  
37 **7. Absentee voting in presence of clerk.** A person who  
38 wishes to vote by absentee ballot because he that person will not  
39 be present in the municipality or able to vote in person at the  
40 voting place on election day may, without completing an  
41 application, vote by absentee ballot in the presence of the  
42 clerk. The method of voting shall is otherwise be as prescribed  
43 in this Article. After the person has voted, the clerk shall  
44 determine-whether sign the affidavit on the return envelope as a  
45 witness, indicate on the envelope that the voter voted in the  
46 presence of a clerk and ensure that the affidavit on the return  
47 envelope is properly completed by the voter. Section 682 applies  
48 to voting in the presence of the clerk at the clerk's office for  
49 the 45 days preceding an election.  
50

2           **Sec. 72. 21-A MRSA §759, first ¶**, as amended by PL 1993, c.  
447, §17, is further amended to read:

4  
6           The following counting procedure must be observed at each  
voting place, ~~except those voting places that use electronic~~  
7           ~~voting systems. Counting procedures for electronic voting~~  
8           ~~systems are described in section 858-A.~~

10           **Sec. 73. 21-A MRSA §759, sub-§1**, as repealed and replaced by  
PL 1991, c. 466, §31, is amended to read:

12  
14           **1. Warden to review notes of clerk.** Unless a request to  
inspect applications and envelopes is made pursuant to subsection  
16           8, the warden shall review the notes of the clerk on each return  
envelope ~~as soon as the polls are closed and the regular ballots~~  
18           ~~removed from the ballot box~~ according to the schedule posted  
under subsection 7.

20           **Sec. 74. 21-A MRSA §759, sub-§2**, as repealed and replaced by  
PL 1985, c. 357, §§16 and 19, is amended to read:

22  
24           **2. Accepted if correct.** If the warden finds that the  
affidavit is properly completed, that the clerk has verified that  
26           the signature on the envelope matches the signature on the  
application where applicable, that the person is registered and  
28           enrolled where necessary, the warden shall then examine the  
incoming voting list to determine whether the voter voted in  
30           person at the election. The warden shall then announce the name  
of each absentee voter who has not voted at the election and  
32           remove each ballot from its envelope without destroying the  
envelope or unfolding the ballot. After having an election clerk  
34           from a political party different from that of the warden mark the  
letters "AV" beside the name of each absentee voter on the  
36           incoming voting lists, the warden shall deposit accept the ballot  
~~in the ballot box.~~

38           **Sec. 75. 21-A MRSA §759, sub-§§5 and 6**, as enacted by PL 1985,  
c. 161, §6, are amended to read:

40  
42           **5. Rejected ballots separate.** The warden shall place the  
return envelopes containing rejected ballots in ~~a separate lot,~~  
44           an envelope marked "Rejected ballots." ~~He shall not deposit them~~  
~~in the ballot box~~ Rejected ballots may not be counted.

46           **6. Ballots counted.** As soon as the absentee ballots have  
48           been are processed, they shall ~~be removed from the ballot box and~~  
are counted the same as regular ballots. ~~Rejected ballots shall~~  
50           ~~not be counted.~~



2           A. The municipal clerk shall use one of the following  
4           procedures to mark the incoming voting list for absentee  
          ballots received prior to election day.

6           (1) On the day immediately preceding, the municipal  
8           clerk shall mark the incoming voting list with an "AV"  
          beside the name of each voter who has voted by absentee  
10           ballot as of that date. The municipal clerk shall keep  
          the marked list and shall send a copy of the marked  
12           list to the polls with the incoming voting list; or

14           (2) On election day, at or prior to the times the  
          municipal clerk has designated under section 759,  
16           subsection 7 for processing absentee ballots, the  
          municipal clerk shall make a separate list, by voting  
18           place, of all absentee ballots received to date. The  
          clerk shall deliver each list, in duplicate, to the  
20           warden at the appropriate voting place. The warden and  
          an election clerk shall compare the list of absentee  
22           voters with the incoming voting list and shall mark the  
          incoming voting list with an "AV" beside the name of  
24           each voter who has voted by absentee ballot.

26           The warden and the election clerk shall then certify on  
          each copy of the absentee voting list that they marked  
28           the incoming voting list as described in this  
          paragraph. The warden shall then retain one copy of  
30           the absentee voter list with the incoming voting list  
          and deliver the 2nd copy to the municipal clerk. The  
32           municipal clerk shall follow this process on election  
          day as often as needed to mark the incoming voting  
34           lists to account for all absentee ballots.

36           B. In a municipality that has an island voting district,  
          the municipal clerk may communicate the information required  
38           to process the absentee ballots by telephone to the island  
          warden and notify the island warden of the names of the  
40           absentee voters so that the voting list may be marked in  
          accordance with this subchapter.

42           4. Counting procedure. After the incoming voting list has  
44           been marked according to the procedures in subsection 3, the  
          municipal clerk shall then proceed to process the absentee  
46           ballots using the procedures set forth in sections 759, 761 and  
          762 at the next time scheduled under section 759, subsection 7.  
48           The ballots must be processed publicly so that all those present  
          may observe the proceedings.

2           **Sec. 80. 21-A MRSA §762, sub-§4**, as enacted by PL 1985, c.  
161, §6, is amended to read:

4           **4. Witness signatures.** The witness or other certifying  
official's signature, when required.

6           **Sec. 81. 21-A MRSA §808, sub-§§6, 8 and 10**, as enacted by PL  
8           1991, c. 347, §5, are amended to read:

10           **6. Electronic tabulating system.** "Electronic ~~voting~~  
tabulating system" means either a punch card voting system or a  
12           mark-sense voting system where the paper ballots or ballot cards  
are subsequently counted and tabulated by ~~automatic~~ an electronic  
14           tabulating equipment device at one or more counting centers.  
"Electronic ~~voting~~ tabulating system" includes all the software  
16           and firmware required to program and control the equipment in the  
respective ~~systems~~ system.

18           **8. Mark-sense voting system.** "Mark-sense voting system"  
20           means a system in which votes are recorded on paper ballots by  
making marks in special voting response locations using a marking  
22           device. The votes on the paper ballots are subsequently counted  
and tabulated by ~~automatic~~ an electronic tabulating equipment  
24           device at one or more counting centers.

26           **10. Voting device.** "Voting device" means the voting  
machine or electronic ~~voting~~ tabulating system apparatus that the  
28           voters use to record their votes on paper ballots or on a  
tabulating card ~~and all the automatic tabulating equipment that~~  
30           ~~is integral to the electronic voting system in use.~~

32           **Sec. 82. 21-A MRSA §809, sub-§§1 and 2**, as enacted by PL 1991,  
c. 347, §5, are amended to read:

34           **1. Rules.** The Secretary of State and the Attorney General  
36           together may adopt rules governing approval of voting machines  
under section 812 and electronic ~~voting~~ tabulating systems under  
38           section 843. The Secretary of State may adopt rules requiring  
independent testing of voting machines and electronic tabulating  
40           systems in use or proposed for use in the State and indicating  
which approved voting machines and electronic ~~voting~~ tabulating  
42           systems are ~~recommended~~ approved for use by municipalities ~~to~~  
~~minimize the cost of producing ballot materials.~~

44           **2. Use of approved voting machines and systems.** Voting  
46           devices machines and systems approved and recommended pursuant to  
rules adopted under subsection 1 may be used by any municipality  
48           in a state election. ~~A municipality may use other approved~~  
~~voting devices that are not recommended, however, if the cost of~~  
50           ~~ballot materials for these devices exceeds the Secretary of~~



2 State's--estimated--cost--of--preparing--paper--ballots--for--that  
3 municipality,--the--municipality--shall--reimburse--the--State--for--the  
4 difference--in--that--cost. Voting machines and electronic  
5 tabulating systems that have not been approved for use may not be  
6 used by any municipality.

7 **Sec. 83. 21-A MRSA §809, sub-§3,** as enacted by PL 1991, c.  
8 347, §5, is repealed.

9 **Sec. 84. 21-A MRSA §812, sub-§4,** as enacted by PL 1985, c.  
10 161, §6, is amended to read:

11 **4. Form and content of ballot label.** The titles of offices  
12 may be arranged horizontally with the names of candidates for an  
13 office arranged vertically under the title of the office, or the  
14 titles of offices may be arranged vertically with the names of  
15 candidates for an office arranged horizontally opposite the title  
16 of the office, or the titles of offices and the names of  
17 candidates for an office may be arranged in any horizontal and  
18 vertical combination as may be deemed determined advisable by the  
19 Secretary of State.

20 The names of candidates must be printed in the order provided by  
21 law and, in general elections, the party designation of each  
22 candidate, which may be abbreviated, must be printed following  
23 the candidate's name. If there are more candidates for an office  
24 than can be printed in one column or on one ballot page, the  
25 ballot label must be clearly marked that the list of candidates  
26 is continued on the following column or page and, so far as  
27 possible, the same number of names must be printed on each column  
28 or page. Arrows may be used to indicate the place to vote for  
29 each candidate and on each measure.

30 **Sec. 85. 21-A MRSA §812, sub-§§4-A and 4-B** are enacted to read:

31 **4-A. Ballot labels for separate elections.** The different  
32 parts of the ballot, such as partisan, nonpartisan and measures,  
33 must be prominently indicated on the ballot labels and, if  
34 practicable, each part must be placed on a separate page or  
35 pages. If 2 or more elections are held on the same day, the  
36 ballot labels must be clearly marked to indicate the ballot for  
37 each election and, if practicable, the ballot labels for each  
38 election must be placed upon separate pages and labels of a  
39 different color or tint may be used for each election.

40 **4-B. Referendum question.** A referendum question must be  
41 arranged so that the voter may vote for or against it.

42 **Sec. 86. 21-A MRSA §817-A** is enacted to read:

2       **§817-A. Test of voting machines**

4               The clerk shall test the voting machines using a sample of  
6       the ballot cards furnished by the Secretary of State in the same  
8       manner as set forth in section 854 regarding the testing of  
              electronic tabulating equipment.

10              **Sec. 87. 21-A MRSA §821, sub-§1,** as enacted by PL 1985, c.  
              161, §6, is amended to read:

12              **1. Delivery.** He The municipal clerk shall have the voting  
14       machines delivered to each voting place at least 12 hours before  
              the polls are opened on election day. At the time of delivery,  
              the ballot labels must be in place on each machine.

16              **Sec. 88. 21-A MRSA §822, first ¶,** as enacted by PL 1985, c.  
18       161, §6, is amended to read:

20              When it is time for the polls to open, the warden shall open  
22       the envelope containing the keys to the voting machines in the  
              presence of an election clerk from a political party other than  
24       that of the warden. The warden shall ensure that the voting  
              machine is in proper working order and that the correct ballot  
26       labels were delivered by comparing them with the specimen ballot.

28              **Sec. 89. 21-A MRSA §825-A** is enacted to read:

30       **§825-A. Spoiled ballots**

32              If a voter spoils a ballot card, the voter may obtain a  
              replacement, not more than twice, by returning the spoiled ballot  
34       card to the election clerk in charge of issuing ballot cards.  
              The warden or ward clerk shall mark "Spoiled by voter" on the  
36       spoiled ballot card, sign it and place it in an envelope marked  
              "Spoiled ballot cards." If a replacement ballot card is issued  
38       to the voter, the warden or ward clerk must mark "Replacement  
              ballot card issued" on the outside of the spoiled ballot card.

40              **Sec. 90. 21-A MRSA §842, sub-§4,** as enacted by PL 1985, c.  
              161, §6, is repealed.

42              **Sec. 91. 21-A MRSA §843, first ¶,** as enacted by PL 1985, c.  
44       161, §6, is amended to read:

46              ~~-A voting device~~ An electronic tabulating system purchased  
48       or rented by a municipality must meet the following requirements.

50              **Sec. 92. 21-A MRSA §843, sub-§§2 and 6,** as enacted by PL 1985,  
              c. 161, §6, are amended to read:

2           **2. Voting limited.** It must permit each voter to vote at  
any election for all persons and offices for whom and for which  
4 he the voter is entitled to vote; to vote for as many persons for  
an office as he the voter is entitled to vote for; to vote for or  
6 against any question upon which he the voter is entitled to vote;  
and the ~~automatic~~ electronic tabulating equipment must reject  
8 choices recorded on his the voter's ballot ~~or ballot-card~~, if the  
number of choices exceeds the number for which he the voter is  
10 entitled to vote for the office or on the measure.

12           **6. Change of vote permitted.** It must permit a voter to  
change or retract a vote he the voter has attempted to cast, in  
14 accordance with section 693, before his the voter's ballot ~~or~~  
~~ballot-card~~ has been deposited in the ~~ballot-box~~ electronic  
16 tabulating device.

18           **Sec. 93. 21-A MRSA §844**, as amended by PL 1991, c. 347, §9,  
is further amended to read:

20           **§844. Regulations of Secretary of State**

22           The Secretary of State may make reasonable rules governing  
the use of electronic ~~voting~~ tabulating systems in accordance  
24 with the Maine Administrative Procedure Act.

26           **Sec. 94. 21-A MRSA §845**, as enacted by PL 1985, c. 161, §6,  
is amended to read:

30           **§845. Custody**

32           The municipal clerk has custody of voting devices used by  
the municipality.

34           **1. Storage and maintenance.** He The municipal clerk is  
36 responsible for the proper storage and maintenance of each device.

38           A. He The municipal clerk shall have store each device  
~~sealed-and-stored~~ in a safe, dry building.

40           B. He The municipal clerk shall have keep each device ~~kept~~  
42 in proper operating condition.

44           **Sec. 95. 21-A MRSA §848, first ¶**, as enacted by PL 1985, c.  
161, §6, is amended to read:

46           The Secretary of State shall furnish all ballot materials  
48 for all elections, except municipal elections.

2           **Sec. 96. 21-A MRSA §848, sub-§1**, as enacted by PL 1985, c.  
161, §6, is amended to read:

4           **1. Ballot format.** Ballots furnished for elections must  
6 have the titles of offices and the names of candidates arranged  
in vertical columns. The office title with a statement of the  
8 number of candidates to be voted for must be printed above the  
names of the candidates for that office. The names of candidates  
10 must be printed in the order provided by law and. In all except  
primary and nonpartisan elections, the party designation of each  
12 candidate must be printed following or below his the candidate's  
name, in bold type. The number of columns and the length of the  
14 ballot may be adjusted as is necessary to accommodate all of the  
offices, candidates and write-in spaces constituting the total  
16 slate for that election. The Secretary of State shall determine  
the colors of paper on which each ballot must be printed.  
Symbols such as arrows or ovals may be used to indicate the  
18 voter's choice of candidate for each office for which the voter  
must either complete an arrow or completely fill in an oval to  
20 indicate the voter's choice.

22           **Sec. 97. 21-A MRSA §848, sub-§§2 and 3**, as enacted by PL 1985,  
c. 161, §6, are repealed.

24           **Sec. 98. 21-A MRSA §851, sub-§1**, as enacted by PL 1985, c.  
26 161, §6, is amended to read:

28           **1. Ballots and supplies.** ~~He~~ The municipal clerk shall have  
the voting electronic tabulating devices prepared for the  
30 election and shall deliver, ~~to the precinct election officials or~~  
~~to the polling place,~~ voting the tabulating devices, voting  
32 booths, tamper-proof ballot boxes, ballots, secrecy ballot cards  
envelopes, "write-in" ballots, marking devices and other records  
34 and supplies as required to conform with the tabulating system in  
use and applicable laws.

36           **Sec. 99. 21-A MRSA §851, sub-§§2 to 4**, as enacted by PL 1985,  
38 c. 161, §6, are repealed.

40           **Sec. 100. 21-A MRSA §852**, as enacted by PL 1985, c. 161, §6,  
is amended to read:

42           **§852. Procedure at the polling place**

44           The following ~~regulations govern~~ governs the procedure for  
46 the conduct of elections in which an electronic voting tabulating  
system is used.

48           **1. Preparation for voting.** Before the polls are opened,  
50 the election officials shall arrive at the polling place and

2 place the voting devices in position for voting. The officials  
3 shall ensure that the devices are in proper working order and  
4 ~~shall see that the devices have the correct ballot labels by~~  
5 ~~comparing them with the specimen ballots were delivered.~~ They  
6 shall open and check the ballots, ~~ballot cards,~~ supplies, records  
7 and forms and post the specimen ballots and instructions to  
8 voters.

9  
10 **2. Instruction of voters.** If requested, election officials  
11 shall instruct a voter on how to operate the ~~voting device~~  
12 electronic tabulating system before he ~~the voter~~ enters the  
13 voting booth. If he ~~the voter~~ needs additional instruction after  
14 entering the voting booth, election officials may, if necessary,  
15 enter the booth and give him ~~the voter~~ additional instructions in  
16 accordance with section 672.

17  
18 **3. Depositing ballots in electronic voting device.** After  
19 the voter has marked his ~~the~~ ballot card, he ~~must~~ the voter may  
20 place the ballot card inside the secrecy envelope provided for  
21 ~~this purpose to maintain the voter's confidentiality~~ and deposit  
22 ~~the envelope with the enclosed~~ ballot card in the ~~ballot box~~  
23 electronic tabulating device. A voter may request the assistance  
24 of an election official if the voter has difficulty placing the  
25 ballot into the electronic tabulating device.

26  
27 **4. Spoiled ballots.** Any ~~If a voter who~~ spoils his ~~a~~ ballot  
28 ~~card may return it enclosed in the envelope and obtain a~~  
29 ~~replacement not more than twice,~~ the procedures set forth in  
30 section 693 must be followed. The word "Spoiled" ~~must be written~~  
31 ~~across the face of the envelope which shall be placed in the~~  
32 ~~spoiled ballot card container.~~

33  
34 **5. Closing of the polls.** As soon as the polls have closed  
35 and the last qualified voter has voted, ~~all~~ the warden shall run  
36 the official tally tapes off of each electronic tabulating  
37 device. One copy of the official tally tape, signed by the  
38 warden, must be packed in a tamper-proof ballot box with the  
39 other election materials pursuant to section 698, subsection  
40 2-A. All unused ballot cards and records and supplies shall  
41 ballots must be placed in a container and sealed for return to  
42 the municipal clerk. The ~~ballot box shall~~ electronic voting  
43 device must be opened at the polling place and ~~all write-in votes~~  
44 ~~and absentee and other official paper ballots counted and the~~  
45 regular ballot cards separated from the envelopes, regular  
46 counted ballots are placed in the tamper-proof ballot boxes and  
47 all ballots containing write-in votes or red lines requiring hand  
48 counting are counted by the election clerks. The ~~separated~~  
49 ~~ballot cards and envelopes, along with absentee, write in and~~  
50 ~~other official paper ballots, shall then be delivered to the~~  
51 ~~counting center for the official counting and recording of all~~

2 ballots-east. Once all of the hand counting has been completed,  
3 the election clerks shall complete the tally sheets and other  
4 election forms provided by the Secretary of State and return the  
5 ballots and other materials to the clerk packed pursuant to  
6 section 698, subsections 2-A and 2-B.

7 **Sec. 101. 21-A MRSA §853**, as enacted by PL 1985, c. 161, §6,  
8 is repealed.

9 **Sec. 102. 21-A MRSA §854**, as enacted by PL 1985, c. 161, §6,  
10 is amended to read:

11 **§854. Test of electronic tabulating equipment**

12 ~~Before counting the ballots, the~~ The clerk must ~~shall~~ have  
13 the ~~automatic~~ electronic tabulating equipment tested prior to the  
14 polls opening to ascertain that it will accurately ~~count~~ counts  
15 the votes cast for all offices and on all measures. The test must  
16 be conducted by processing a preaudited group of ballots ~~or~~  
17 ~~ballot-cards,~~ marked ~~or-punched~~ to record a predetermined number  
18 of valid votes for each candidate and on each measure. The test  
19 must include one or more ballots ~~which~~ that have votes for each  
20 office in excess of the number allowed by law in order to test  
21 the ability of the ~~automatic~~ electronic tabulating equipment to  
22 reject those votes. In this test ~~a-different-number-of,~~ valid  
23 votes must be assigned to each candidate for an office and for  
24 and against each measure. If any error is detected, the cause for  
25 the error must be ascertained and corrected and an errorless  
26 count must be made and certified ~~to~~ by the clerk before the ~~count~~  
27 ~~is-started~~ polls open on election day. ~~The-tabulating-equipment~~  
28 ~~must-pass-the-same-test-at-the-conclusion-of-the-count-before-the~~  
29 ~~election-returns-are-approved-as-official.~~ The test ballots and  
30 the tapes generated as a result of the tests must be packed and  
31 sealed in a container labeled "Test Ballots." The container must  
32 remain sealed until at least 60 days after the election, unless  
33 needed for recount purposes. The tests provided for in this  
34 section must be open to the public.

35 **Sec. 103. 21-A MRSA §855**, as enacted by PL 1985, c. 161, §6,  
36 is repealed.

37 **Sec. 104. 21-A MRSA §855-A** is enacted to read:

38 **§855-A. Proceedings after the close of the polls**

39 **1. Open to public.** The election officials shall run the  
40 tapes at the close of the election and hand count the necessary  
41 ballots and write-ins under the observation of the public, but no  
42 person except those authorized may touch any ballot.

2 2. Damaged or defective ballots. If it appears that any  
3 ballot is damaged or defective so that it can not be properly  
4 counted by the electronic tabulating device, the ballot must be  
5 counted manually.

6 3. Official tape certified by warden and ward clerk. The  
7 warden and ward clerk, if applicable, shall sign and date each  
8 official tape printed from each electronic tabulating device and  
9 certify to its authenticity.

10 **Sec. 105. 21-A MRSA §§856 and 857, as enacted by PL 1985, c.**  
11 **161, §6, are amended to read:**

12 **§856. Official returns**

13 The official return of each voting district consists of the  
14 certified return printed by the ~~automatic~~ electronic tabulating  
15 equipment and the tallies of all certified-absentee, write-in,  
16 red-lined and other official paper ballots. The Copies of the  
17 official returns shall must be open to the public as soon as the  
18 count is completed.

19 **§857. Manual counting authorized**

20 If for any reason it becomes impracticable to count all or a  
21 part of the ballots ~~or ballot-cards~~ with electronic tabulating  
22 equipment, the clerk shall have them counted manually following  
23 the provisions governing the counting of paper ballots.

24 **Sec. 106. 21-A MRSA §858-A, sub-§6, as enacted by PL 1993, c.**  
25 **447, §20, is repealed and the following enacted in its place:**

26 6. Counting procedure for absentee ballots. The procedure  
27 for processing absentee ballots for use with electronic voting  
28 systems is the same as for processing regular absentee ballots as  
29 provided in section 759.

30 **Sec. 107. 21-A MRSA §859, as enacted by PL 1985, c. 161, §6,**  
31 **is repealed.**

32 **Sec. 108. 21-A MRSA §860, as amended by PL 1993, c. 473, §40**  
33 **and affected by §46, is further amended to read:**

34 **§860. Violation and penalty**

35 Any person who, before, during or after an election, tampers  
36 with or willfully injures any voting device, ballot cards or  
37 other records or equipment used in the election, or interferes or  
38 attempts to interfere with the correct operation of such a device

or equipment or the secrecy of voting, commits a Class C crime.

2

**Sec. 109. 21-A MRSA §906, sub-§1**, as amended by PL 1993, c. 473, §41 and affected by §46, is further amended to read:

6           **1. Referendum questions on separate ballot.** Referendum  
8 questions must be printed on a ballot separate from the general  
election ballots, except for municipalities using electronic  
10 ~~scanning-devices~~ tabulating equipment. There must be a place on  
the ballot for the voter to designate the voter's choice.

12

## STATEMENT OF FACT

14

This bill makes several changes and clarifies the election laws as follows.

16

18           The bill clarifies under what circumstances the deputy registrar may serve as registrar and the clerk may serve as registrar pro tem.

20

22           The bill also eliminates boards of voter registration and provides for a registration appeals board that reviews decisions of municipal registrars when appeals are necessary.

24

26           The bill repeals the provisions allowing deputies to serve on boards of registration.

28

30           The bill allows a voter to vote using a ballot at a central location when the voter registers or reports a change of address on election day.

32

34           The bill also eliminates the provision that an individual be unable to file a petition as a candidate for primary election for 3 months after requesting a change in enrollment and replaces it with a new deadline for filing for an enrollment change prior to filing a petition as a candidate.

36

38

40           The bill amends the law to comply with the National Voter Registration Act of 1993 regarding removal of a voter from a voting list.

42

44           The bill amends the law to provide only for towns that do not have registration appeals boards.

46

48           The bill requires that a candidate for nomination by primary election be enrolled in the party named on the candidate's petition by March 15th of the primary election year and that primary petition be filed in the office of the Secretary of State by 5:00 p.m. on March 15th of the election year.

50



2           The bill amends the election laws to allow clerks to certify  
the signatures on candidates' petitions.

4  
6           The bill amends the statement required of a candidate in the  
candidate's consent on a candidate's petition and adds a  
reference to the challenge procedures with regard to a petition  
8 declared void as a result of a challenge.

10           The bill amends the provision to require the registrar of a  
candidate's municipality to certify that a nonparty candidate was  
12 unenrolled by March 1st of the election year.

14           The bill amends the deadline for a nonparty candidate to  
file a nomination petition.

16           The bill amends the statement required of a nonparty  
18 candidate in the candidate's consent on a nomination petition and  
adds a reference to the challenge procedures with regard to  
20 petitions declared void as a result of a challenge.

22           The bill amends the requirements in the written acceptance  
of a candidate running for a vacated office.

24           The bill clarifies the notice requirements of a candidate  
26 withdrawing from office.

28           The bill clarifies the roles of both the municipal clerk and  
warden and allows a nonresident clerk to act as warden on  
30 election day and allows for the appointment of unenrolled voters  
to act as election clerks.

32           The bill removes the requirement that the initial letters of  
34 each candidate's party on a ballot line up vertically.

36           The bill distinguishes the provision for municipalities  
utilizing electronic tabulating systems.

38           The bill requires the municipal clerk to check specimen  
40 ballots delivered for accuracy and notify the Secretary of State  
immediately if any errors are found.

42           The bill permits a municipal clerk to duplicate specimen  
44 ballots as necessary at the municipal clerk's own discretion.

46           The bill enacts a provision that requires the Secretary of  
State and the municipal clerk to act promptly in the case of a  
48 vacancy.

2           The bill clarifies what materials the Secretary of State  
must furnish to municipalities prior to an election.

4           The bill clarifies the procedures used by the Secretary of  
State in determining the number of ballots to be sent to  
6 municipalities.

8           The bill amends the law concerning contents of the labels  
placed on packages of election materials sent to municipalities.  
10

12           The bill clarifies the municipal clerk's responsibilities  
upon receipt of ballots.

14           The bill clarifies the procedures for testing electronic  
tabulating devices prior to an election.  
16

18           The bill amends the law to require municipal clerks to fill  
in certain information on election warrants. The bill also  
amends the language on an election warrant and an officer's  
20 return on warrant for clarity and simplicity.

22           The bill provides the clerk and warden with specific  
authority to allow more than one party worker per party to be  
24 present at a voting place on election day.

26           This bill also provides the clerk and warden with specific  
authority to allow more than one individual representing a  
28 question, candidate or issue to be present at a voting place on  
election day.

30           The bill allows municipalities to replace official ballot  
boxes with the approval of the Secretary of State. The bill also  
32 amends the provision that requires a warden to record why a  
ballot box is not used.  
34

36           The bill amends the provisions regarding voting booths to  
require the pencil or marker provided in the booths to be without  
38 an eraser.

40           The bill strengthens municipal requirements regarding  
handicapped-accessible voting places and eliminates the waiver  
42 provision regarding voting places that are not accessible to the  
elderly and the handicapped.  
44

46           The bill provides consistent statewide terminology of how to  
refer to subdivisions of voting districts.

48           The bill repeals a provision that allows a voter to be  
challenged because the voter is not a qualified absentee voter.  
50

2           The bill amends the election laws to make them  
gender-neutral and requires that completed challenge certificates  
be placed in sealed envelopes at the polls on election day.

4  
6           The bill clarifies what activities may be conducted within  
the voting place and within 250 feet of the entrance to the  
voting place.

8  
10          The bill provides the warden with the authority to grant  
permission to election officials, emergency workers and police to  
use cellular phones, beepers, voice or signal pagers or similar  
12 devices within a voting place. It also provides the clerk and  
warden with specific authority with regard to allowing or  
14 disallowing nonpolitical charitable activities and other  
nonpolitical advertising within 250 feet of a voting place on  
16 election day.

18          The bill amends a provision to make it gender-neutral and to  
add requirements that the warden or ward clerk mark a spoiled  
20 ballot with the words "Replacement ballot issued" and place the  
spoiled ballot in an envelope marked "Spoiled ballots."

22  
24          The bill allows ballot counters to utilize their own  
judgment with regard to a voter's choice when a voter does not  
completely follow the instructions with regard to write-ins.

26  
28          The bill requires election clerks to pack a copy of the  
official tally tapes, where applicable, into the tamper-proof  
ballot containers with the other election materials. The bill  
30 enacts a provision that requires municipalities to replace their  
own tamper-proof ballot boxes with those approved by the  
32 Secretary of State if theirs become defective, lost or  
destroyed. The bill allows the municipal clerk to transfer the  
34 used ballots and other election materials from the tamper-proof  
ballot boxes to another sealed container at least 60 days  
36 following an election in the presence of one or more witnesses,  
instead of the previously required representatives from each  
38 political party.

40          The bill clarifies the requirements regarding the packing of  
unused ballots and other election materials after the polls have  
42 closed. The bill also clarifies the roles an individual may take  
at a recount and states that a candidate may not act as a ballot  
44 counter at the candidate's own recount. The bill also clarifies  
the time when a recount is considered to have begun with regard  
46 to the monetary deposit made by an individual who requests a  
recount and adds terminology to make the provisions regarding the  
48 amount of deposit required more consistent.

2           The bill repeals the provision that an absentee voter fall  
3 into certain categories of situations in order to vote absentee.  
4 The bill also allows any individual to vote absentee in any  
5 election for any reason. The bill also clarifies the contents of  
6 the affidavit on an absentee ballot envelope to include the  
7 witness signatures when they are required. The bill also amends  
8 the provision to make absentee ballot request requirements the  
9 same for in-state absentee voters as for out-of-state absentee  
10 voters. The bill also eliminates the ability of candidates and  
11 their immediate families to serve as 3rd persons handling  
12 absentee ballots on behalf of others. The bill also clarifies  
13 the provisions regarding absentee voting in the presence of the  
14 municipal clerk and adds a provision that the same political  
15 activities prohibited on election day under the Maine Revised  
16 Statutes, Title 21-A, section 682 apply to the clerks's office  
17 for the 45 days preceding an election.

18           The bill requires the warden to place rejected ballots in an  
19 envelope labeled "Rejected ballots" and amends the law to state  
20 that rejected ballots are not counted.

22           The bill allows the municipal clerk to process absentee  
23 ballots centrally and itemizes the steps that must be taken when  
24 a clerk chooses to do so.

26           The bill clarifies a provision by making the terminology  
27 consistent when referring to a voting system that tabulates the  
28 vote counts electronically.

30           The bill permits the Secretary of State to require certain  
31 independent testing of voting systems proposed for use or  
32 currently in use in the State.

34           The bill provides that if a voting machine or system is not  
35 approved for use by the Secretary of State's office, it may not  
36 be used by any municipality in the State.

38           The bill repeals the section that requires the Secretary of  
39 State to publish a list of approved voting devices in  
40 odd-numbered years.

42           The bill provides the format for ballot labels used in  
43 voting machines. The bill also provides the format for  
44 referendum ballot labels used in voting machines.

46           The bill requires clerks who utilize voting machines to test  
47 their machines in the same manner as clerks who utilize  
48 electronic tabulating systems.

2 The bill requires the warden to ensure that the voting  
machines are in proper working order and that the correct ballot  
labels were delivered to them.

4  
6 The bill states the procedures to be followed when a voter  
spoils a ballot in a voting machine municipality.

8 The bill removes the requirement that voting devices be  
sealed as there is no way to do so.

10  
12 The bill clarifies the language of the provision describing  
the format of ballots used with electronic tabulating systems and  
grants the Secretary of State the authority to determine the  
14 colors of the ballots to be used in an election.

16 The bill repeals the Maine Revised Statutes, Title 21-A,  
section 851, subsections 2 to 4 as they do not apply to  
18 electronic tabulating systems, which are the subject of chapter  
9, subchapter VI, article II.

20  
22 The bill clarifies the provisions of the Maine Revised  
Statutes, Title 21-A, section 854 by making the terminology  
consistent when referring to electronic tabulating systems,  
24 allows an election official to assist a voter who requests  
assistance in placing the ballot into the electronic tabulating  
26 device, eliminates provisions that refer to voting systems other  
than electronic tabulating systems, provides for the procedure of  
28 running, signing and storing and official tally tape in the  
tamper-proof ballot container and provides for procedures  
30 regarding the packing of the ballots and other election materials  
once the hand counting of red-line and write-in ballots has been  
32 completed.

34 The bill clarifies the provision by making the terminology  
consistent when referring to electronic tabulating systems such  
36 as optech and accuvote and requires that test ballots and the  
tapes generated as a result of running the tests be stored in a  
38 container labeled "Test Ballots" and remain sealed for 60 days  
following an election, unless they are needed for a recount.

40  
42 The bill requires that the tally tapes of the electronic  
tabulating systems be run in public, that damaged or defective  
ballots be hand counted and that the official tape be certified  
44 by either the warden or ward clerk.

46 The bill repeals the Maine Revised Statutes, Title 21-A,  
section 859, which states that in a recount, ballots must be  
48 counted in the same manner as they were on election day because  
candidates do insist on hand counting regardless of whether the  
50 ballots were read by an electronic tabulating device.

2           The bill removes the word "cards," referring to ballot  
cards, which are not applicable to the use of electronic  
4 tabulating systems.