

# MAINE STATE LEGISLATURE

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



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

DATE: 3/4/96

(Filing No. H- 737 )

LEGAL AND VETERANS AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1203, L.D. 1653, Bill, "An Act to Amend the Election Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, deadlines for candidates filing declarations concerning voluntary spending limits are fast approaching and, in order to amend the laws related to voluntary spending limits, this legislation needs to be enacted as an emergency; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 21-A MRSA §22, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§22. Records and documents are public; exception for ballots and voter address

1. Public records. All lists, books, documents and records required to be prepared by or filed with a public official are

COMMITTEE AMENDMENT

A.S.

COMMITTEE AMENDMENT "A" to H.P. 1203, L.D. 1653

2 public records. Public records are open to public inspection  
3 during regular business hours under proper protective regulations  
4 made by the official charged with their custody.

5 2. Ballots. Ballots are not public records and may be  
6 inspected only in accordance with this Title.

7 3. Address of registered voter. Notwithstanding subsection  
8 1 and Title 1, section 408, a registered voter's address is not a  
9 public record and the registrar shall exclude a registered  
10 voter's address from public inspection if the voter submits to  
11 the registrar a signed statement that the voter has good reason  
12 to believe that the physical safety of the voter or of a member  
13 of the voter's family residing with the voter would be  
14 jeopardized if the voter's address were open to public  
15 inspection. The voter's name, political party affiliation and  
16 electoral division are public information. The sworn statement  
17 is also public information.

18 4. Disclosure of address. A voter address that is excluded  
19 from public inspection pursuant to subsection 3 must be made  
20 available for inspection:

21 A. By a law enforcement agency, if requested by that  
22 agency; or

23 B. By a person identified in a court order, if directed by  
24 that order.

25 Further amend the bill in section 3 in the last line (page  
26 2, line 3 in L.D.) by striking out the following: "officials"  
27 and inserting in its place the following: '~~officials~~ officers'

28 Further amend the bill by inserting after section 4 the  
29 following:

30 'Sec. 5. 21-A MRSA §122, sub-§6, as enacted by PL 1985, c.  
31 307, §1, is amended to read:

32 6. Names to be placed on voting list. Except as provided in  
33 paragraph A, the registrar shall accept registrations on any  
34 business day or other day that the clerk's office is open. The  
35 names of any person registering shall must be placed on the  
36 voting list.

37 A. The registrar shall may accept only the registrations of  
38 applicants who appear in person as follows:

39 (1) In a municipality with a population of 2,500 or  
40 less fewer, on the last business day that the clerk's  
41 office is open before election day;

# COMMITTEE AMENDMENT

2 (2) In a municipality with a population of more than  
3 2,500, on the last 5 business days that the clerk's  
4 office is open before election day, ~~from 1 p.m. to 5~~  
5 ~~p.m. and 7 p.m. to 9 p.m. on at least 3 of these days;~~  
6 and

8 (3) The names of voters registering during these  
9 periods ~~shall~~ must be recorded as provided under  
10 subsection 7.

12 This paragraph does not require a registrar to hold  
13 particular hours for the acceptance of registrations of  
14 applicants who appear in person.

16 **Sec. 6. 21-A MRSA §122, sub-§8,** as enacted by PL 1985, c. 307,  
17 §1, is repealed.'

18 Further amend the bill by striking out all of sections 6 to  
19 8 and inserting in their place the following:

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

24 **2. Placement on voting list.** Upon receipt of the  
25 application by the registrar of voters ~~or the board of~~  
26 ~~registration when in open session,~~ the applicant's name shall  
27 must be entered on the voting lists of the municipality as soon  
28 as the voter has qualified.

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

36 **Sec. 7. 21-A MRSA §301, sub-§1,** as enacted by PL 1985, c. 161,  
37 §6, is amended to read:

38 **1. Primary election.** A party qualifies to participate in a  
39 primary election if its designation was listed on the general  
40 election ballot in the last preceding gubernatorial ~~or~~  
41 ~~presidential general~~ election and if:

44 A. The party held municipal caucuses as prescribed by  
45 Article II in at least one municipality in each county in  
46 the State during that election year and fulfills this same  
47 requirement during the year of the primary election;

48 B. The party held a state convention as prescribed by  
49 Article III during that election year;

R 2/8

2 C. Its candidate for Governor or for President polled at  
4 least 5% of the total vote cast in the State for Governor or  
6 President in the last preceding gubernatorial---or  
presidential general election; and

8 D. Each state party committee ~~must-file~~ files a statement  
with the Secretary of State on or before ~~April-4th~~ March  
10 20th certifying that the party has held the municipal  
12 caucuses required by paragraph A. The statement must be  
signed by the party ~~chairman-or-his~~ chair or the chair's  
designated agent.

14 **Sec. 8. 21-A MRSA §302**, as enacted by PL 1985, c. 161, §6, is  
amended to read:

16 **§302. Formation of new party; organization about a candidate**

18 A party whose designation was not listed on the general  
20 election ballot in the last preceding gubernatorial---or  
presidential general election qualifies to participate in a  
22 primary election, if it meets the requirements of subsections 1,  
2 and 3.

24 **1. Declaration of intent.** A voter or a group of voters who  
26 are not enrolled in a party qualified under section 301 must file  
a declaration of intent to form a party with the Secretary of  
28 State before 5 p.m. on the 180th day preceding a primary  
election. The declaration of intent must be on a form designed  
30 by the Secretary of State and must include:

- 32 A. The designation of the proposed party;
- 34 B. The name of a candidate for Governor or for President in  
the last preceding gubernatorial--or--presidential general  
36 election who was nominated by petition under the proposed  
party's designation pursuant to subchapter II and who  
38 received 5% or more of the total vote votes cast in the  
State ~~for-Governor-or-for-President~~ in that election;
- 40 C. The signed consent of that candidate; and
- 42 D. The name and address and signature of the voter or one  
44 of the group of voters who ~~file~~ files the declaration of  
intent.

46 **2. Enrollment of voters.** After filing the declaration  
48 described in subsection 1, the voter or voters proposing to form  
the party may then enroll voters in the proposed party under  
50 sections 141 to 145.

2           **3. Municipal caucuses.** The proposed party must conduct  
3 municipal caucuses in at least one municipality in each of the 16  
4 counties during that election year as prescribed in Article II.  
5 The ~~chairman~~ chair of the municipal committee or a resident voter  
6 in the municipality must file a copy of the notice required by  
7 section 311, subsection 3, with the Secretary of State before 5  
8 p.m. on ~~April-15th~~ March 20th.

10           **4. Convention.** A party which that has qualified under  
11 subsections 1, 2 and 3 to participate in a primary election must,  
12 in that same year, hold a state convention, as prescribed by  
13 Article III, in order to have the party designation of its  
14 candidates printed on the ballot in the general election of that  
15 year. The voter or group of voters who file the declaration of  
16 intent may perform the duties of the state committee under  
17 section 321, subsection 1, for the party's initial convention.

18           **Sec. 9. 21-A MRS §303**, as amended by PL 1995, c. 459, §20,  
19 is further amended to read:

22           **§303. Formation of new party; organization by petition**

24           In addition to the procedure under section 302, a party  
25 whose designation was not listed on the general election ballot  
26 in the last preceding ~~gubernatorial--or--presidential~~ general  
27 election qualifies to participate in a primary election, if it  
28 meets the requirements of subsections 1, 2, 3 and 4.

30           **1. Declaration of intent.** Ten or more voters who are not  
31 enrolled in a party qualified under section 301 must file a  
32 declaration of intent to form a party with the Secretary of  
33 State. The declaration of intent must be on a form designed by  
34 the Secretary of State and must include:

36           A. The designation of the proposed party; and

38           B. The names, addresses and ~~telephone-numbers~~ signatures of  
39 the voters who file the declaration of intent.

40           **2. Enrollment of voters.** After filing the declaration of  
41 intent required in subsection 1, the voter or voters proposing to  
42 form the party may then enroll voters in the proposed party under  
43 sections 141 to 145.

46           **3. Petition.** After filing the declaration described in  
47 subsection 1, the voter or a group of voters may then circulate  
48 petitions. These petitions must be signed, verified and  
49 certified in the same manner as primary petitions under section  
50 335, subsections 3, 4 and 7. Each page of the petition must

have a caption, in conspicuous type, that contains the designation of the proposed party followed by the words "Petition to participate in the primary election." The Secretary of State shall prepare forms for these petitions. The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election and must contain the signatures and legal addresses of voters equal in number to at least 5% of the total vote votes cast in the State for Governor at the last preceding gubernatorial election.

**4. Municipal caucuses.** The proposed party must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article II. The ~~chairman~~ chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3 with the Secretary of State, before 5 p.m. on ~~April-15th~~ March 20th.

**5. Convention.** A party ~~which~~ that has qualified under subsections 1, 2, 3 and 4 to participate in a primary election must, in that same year, hold a state convention as prescribed by Article III, in order to have the party designation of its candidates printed on the ballot in the general election of that year. The voter or group of voters who file the declaration of intent may perform the duties of the state committee under section 321, subsection 1, for the party's initial convention.

**Sec. 10. 21-A MRSA §311, sub-§2,** as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Time.** A municipal caucus of the Democratic Party, held biennially during the general election year for the purpose of electing delegates to a state convention and for any other business must be held no later than the first Sunday in March. A municipal caucus of any other party, held for the same purpose, must be held before ~~April-1st~~ March 20th.

Further amend the bill in section 11 in the 7th line (page 4, line 1 in L.D.) by inserting after the following: "committees" the following: 'to nominate candidates'

Further amend the bill by striking out all of sections 13 and 14 and inserting in their place the following:

**'Sec. 13. 21-A MRSA §673, sub-§3-A** is enacted to read:

**3-A. List of challenged ballots.** The warden shall maintain a list of all challenges made. The list must include the name of the voter challenged, the name of the challenger and the reason for the challenge. The list may not include the unique number

2 assigned to the ballot of a challenged voter. The list must be  
3 made available for public inspection after the polls close.'

4 Further amend the bill in section 15 in subsection 3 in the  
5 7th line (page 5, line 7 in L.D.) by striking out the following:  
6 "or a member of a candidate's immediate family" and inserting in  
7 its place the following: '~~or a member of a candidate's immediate~~  
8 ~~family~~'

10 Further amend the bill in section 16 in subsection 1 in  
11 paragraph D in the 2nd line (page 6, line 27 in L.D.) by  
12 inserting after the following: "mail it" the following: 'or  
13 deliver it in person'

14 Further amend the bill by inserting after section 16 the  
15 following:

18 'Sec. 17. 21-A MRSA §904-A, as enacted by PL 1993, c. 599,  
19 §1, is amended to read:

20 **§904-A. Payment per signature; prohibition**

22 A circulator of an initiative or a referendum petition or a  
23 person who causes the circulation of an initiative or referendum  
24 petition may not pay or receive payment for the collection of  
25 signatures if that payment is based on the number of signatures  
26 collected. ~~Nothing--in--this~~ This section ~~prohibits~~ does not  
27 prohibit a circulator of an initiative or a referendum petition  
28 or a person who causes the circulation of an initiative or  
29 referendum petition from paying or being paid a salary that is  
30 not based on the number of signatures collected.

32 **Sec. 18. 21-A MRSA §1013-A, sub-§1, ¶C, as enacted by PL 1995,**  
33 **c. 384, §1, is amended to read:**

36 C. No later than 10 days after becoming a candidate, as  
37 defined in section 1, subsection 5, a candidate for the  
38 office of State House of Representatives or Senate shall  
39 file in writing a statement declaring either that the  
40 candidate agrees to accept voluntary limits on political  
41 expenditures or that the candidate does not agree to accept  
42 voluntary limits on political expenditures, as specified in  
43 section 1015, subsections 7 to 9.

44 The statement filed by a candidate who voluntarily agrees to  
45 limit spending must state that the candidate knows the  
46 voluntary expenditure limitations as set out in section  
47 1015, subsection 8 and that the candidate is voluntarily  
48 agreeing to limit the candidate's political expenditures and  
49 those made on behalf of the candidate by the candidate's  
50



10/18

COMMITTEE AMENDMENT "A" to H.P. 1203, L.D. 1653

2 political committee or committees, the candidate's party and  
the candidate's immediate family to the amount set by law.  
4 The statement must further state that the candidate does not  
condone and will not solicit any independent expenditures  
made on behalf of the candidate.

6  
8 The statement filed by a candidate who does not agree to  
voluntarily limit political expenditures must state that the  
candidate does not accept the voluntary expenditure limits  
10 as set out in section 1015, subsection 8.

12 A candidate who has filed a statement declaring that the  
candidate accepts voluntary limits on political expenditures  
may withdraw the statement if an opposing candidate files a  
statement declaring that the opposing candidate does not  
accept the voluntary expenditure limits. A candidate who  
withdraws a statement must file a new statement declaring  
that the candidate no longer accepts the voluntary spending  
limits.

20 **Sec. 19. 21-A MRSA §1015, sub-§§8 and 9,** as enacted by PL 1995,  
22 c. 384, §2, are amended to read:

24 **8. Political expenditure limitation amounts.** Total  
expenditures in any election for legislative office by a  
26 candidate who voluntarily agrees to limit campaign expenditures  
as provided in subsection 7 are as follows:

- 28 A. For State Senator, \$25,000; and
- 30 B. For State Representative, \$5,000.

32 Expenditure limits are per election and may not be carried  
34 forward from one election to another. For calculation and  
reporting purposes, the reporting periods established in section  
36 1017 apply. Notwithstanding section 32, a candidate is not  
subject to a penalty for exceeding a voluntary spending limit.

38 **9. Publication of list.** The commission shall publish a  
list of the candidates for State Representative and State Senator  
who have agreed to voluntarily limit total expenditures for their  
42 campaigns as provided in section 1013-A, subsection 1, paragraph  
C. The commission shall remove from the list any candidate that  
withdraws a declaration agreeing to a voluntary limit on  
expenditures.

46 For the purposes of subsections 7 and 8 and this subsection,  
48 "total expenditures" means the sum of all expenditures made to  
influence a single election that are made by a candidate or made  
50 on the candidate's behalf by the candidate's political committee

# COMMITTEE AMENDMENT

or committees, the candidate's party or the candidate's immediate family.'

Further amend the bill by inserting after section 17 the following:

**'Emergency clause.** In view of the emergency cited in the preamble, those sections of this Act that amend the Maine Revised Statutes, Title 21-A, sections 1013-A and 1015 take effect when approved. All other sections of this Act take effect 90 days after the adjournment of the Second Regular Session of the 117th Legislature.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

#### FISCAL NOTE

The additional deposits for certain recount requests may result in increases in General Fund revenue beginning in fiscal year 1996-97. The increases in General Fund revenue will depend on the number of requested recounts that fall into the new vote differential ranges, which can not be determined at this time.'

#### STATEMENT OF FACT

This amendment makes the following changes to the bill.

1. The amendment adds an emergency preamble to the bill.
2. The amendment provides that a registrar must place the name of a person who applies to register to vote or to enroll in a party on the voting list as soon as the voter is qualified.
3. The amendment removes obsolete references to boards of registration.
4. The amendment removes the section of the bill that would have repealed the section of law permitting a registrar of voters to remove a voter's name from a voting list for failure to meet voting requirements.
5. The amendment alters the law relating to citizen initiatives and referendum petitions. Current law prohibits a

2 person from receiving payment for collection of signatures if the  
3 payment is based on the number of signatures collected. This  
4 amendment prohibits a person from paying a person for collecting  
5 signatures if the payment is based on the number of signatures  
6 collected.

7 6. The amendment permits a candidate for State Senate or  
8 State Representative to withdraw a declaration agreeing to a  
9 voluntary spending limit if the opposing candidate does not agree  
10 to a spending limit. The amendment also provides that a  
11 candidate that withdraws a declaration must be removed from the  
12 list, published by the Commission on Governmental Ethics and  
13 Election Practices, of those candidates who agree to spending  
14 limits.

15 7. The amendment clarifies that there is no statutory  
16 penalty imposed upon a candidate for failure to abide by a  
17 voluntary spending limit.

18 8. The amendment removes the requirement that registrars  
19 hold particular hours before an election to accept walk-in voter  
20 registrations.

21 9. The amendment removes the prohibition on a clerk  
22 delivering absentee ballots to persons who are members of a  
23 candidate's immediate family.

24 10. In order to permit more time for the Secretary of State  
25 to ensure proper printing of accurate ballot material, the  
26 amendment alters certain deadlines associated with party caucuses  
27 as follows:

28 A. Currently, the biennial municipal caucuses of a party  
29 other than the Democratic Party must be held by April 1st.  
30 This amendment moves this date up to March 20th. Under  
31 current law, Democratic Party caucuses must be held by the  
32 first Sunday in March. This deadline is not modified;

33 B. Currently, in order to qualify to participate in the  
34 primary election, a party that was listed on the general  
35 election ballot in the last gubernatorial or presidential  
36 election must certify by April 4th to the Secretary of State  
37 that its municipal caucuses were properly held. This  
38 amendment moves this date up to March 20th;

39 C. Currently, in order to qualify to participate in the  
40 primary election, a new party that was not listed on the  
41 general ballot in the last gubernatorial or presidential  
42 election must provide copies of the public notice of its  
43  
44  
45  
46  
47  
48

required caucuses to the Secretary of State by April 15th.  
This amendment moves this date up to March 20th.

11. The original bill amends a provision regarding the declaration of intent for the formation of a new party around a candidate by specifying that the petitioners seeking to form the new party must provide the name of the party's candidate for Governor or for President in the last preceding general election. The amendment makes parallel changes in several other provisions of law to make these provisions consistent.

12. The amendment replaces that portion of the bill concerning exclusion of a voter address from public inspection when the voter is protected by a court-issued protective order. Under this amendment, a voter may have the voter's address excluded from the public record if the voter submits a signed statement that the voter has good reason to believe that the safety of the voter or of a member of the voter's family residing with the voter would be in jeopardy if the voter's address were open to public inspection.

13. The amendment makes technical changes to the bill.

14. The amendment adds an emergency clause to the bill. Only those portions of the bill amending the laws related to voluntary spending limits by candidates are effective upon approval as an emergency. All other provisions of the bill take effect 90 days after adjournment of the Second Regular Session of the 117th Legislature.

15. The amendment adds a fiscal note to the bill.