

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1653

H.P. 1203

House of Representatives, January 8, 1996

An Act to Amend the Election Laws.

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 black ink 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-§48**, as enacted by PL 1985, c. 161, §6, is amended to read:

6 **48. Voting district.** "Voting district" means an area set
8 off from another in the same municipality for voting purposes.
10 It includes wards and precincts. In a municipality which that
has only one voting place district, it means the entire
municipality.

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14 repealed and the following enacted in its place:

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

18 **1. Public records.** All lists, books, documents and records
20 required to be prepared by or filed with a public official are
public records. Public records are open to public inspection
22 during regular business hours under proper protective regulations
made by the official charged with their custody.

24 **2. Ballots.** Ballots are not public records and may be
26 inspected only in accordance with this Title.

28 **3. Address of registered voter.** The registrar must exclude
a registered voter's address from public inspection if:

30 **A. The voter, or a member of the voter's family residing**
32 **with the voter, is under court ordered protection from**
another individual; and

34 **B. The voter submits a written request to exclude the**
36 **voter's address from public inspection to the registrar with**
an attested copy of the court order of protection.

38 **Upon receipt of the information in paragraph B, the registrar**
40 **must exclude the address of the voter from public inspection.**
The voter's name, political party affiliation and electoral
42 **division is public information. The registrar shall also make**
the voter's written request and the attested copy of the court
44 **order of protection available for public inspection upon the**
request of any person.

46 **Sec. 3. 21-A MRSA §101, first ¶**, as enacted by PL 1985, c. 161,
48 §6, is amended to read:

2 The municipal officers of each municipality shall appoint in
writing a qualified registrar of voters within ~~10~~ 30 days after
4 the ~~regular-election-of~~ municipal officials are sworn to office.

6 **Sec. 4. 21-A MRSA §101, sub-§2**, as enacted by PL 1985, c. 161,
§6, is amended to read:

8 **2. Term of office.** ~~He-~~ The registrar shall serve ~~for one~~
year ~~and until his a~~ successor is appointed and sworn. If the
10 municipal officers appoint the municipal clerk to serve as
registrar, the term of the registrar is the same as the term of
12 the clerk.

14 **Sec. 5. 21-A MRSA §145, sub-§1**, as enacted by PL 1985, c. 161,
§6, is amended to read:

16 **1. Candidates for nomination by nomination petition.** If
18 enrolled, candidates for nomination by nomination petition must
withdraw their enrollment ~~at least 3 months before the required~~
20 ~~date for filing of the nomination petition by March 1st of that~~
election year.

22 **Sec. 6. 21-A MRSA §152, sub-§3**, as enacted by PL 1985, c. 161,
24 §6, is repealed.

26 **Sec. 7. 21-A MRSA §302, sub-§1, ¶¶B and D**, as enacted by PL
1985, c. 161, §6, are amended to read:

28 **B.** The name of a candidate for Governor or for President in
30 the last preceding ~~gubernatorial--or--presidential~~ general
election who was nominated by petition under the proposed
32 party's designation pursuant to subchapter II and who
received 5% or more of the total vote cast in the State for
34 ~~Governor--or--for--President--in~~ that election;

36 **D.** The name ~~and~~, address, telephone number and signature of
the voter or one of the group of voters who ~~file~~ files the
38 declaration of intent.

40 **Sec. 8. 21-A MRSA §303, sub-§1, ¶B**, as amended by PL 1991, c.
862, §3, is further amended to read:

42 **B.** The names, addresses ~~and~~, telephone numbers and
44 signatures of the voters who file the declaration of intent.

46 **Sec. 9. 21-A MRSA §354, sub-§1**, as enacted by PL 1985, c. 161,
§6, is amended to read:

48 **1. Content.** A nomination petition must contain the name of
50 only one candidate, ~~his~~ the candidate's place of residence, the

office sought and electoral division. A nomination petition may contain as many separate papers as necessary and may contain the candidate's consent required by section 355. It may also contain the candidate's political designation, which may not exceed 3 words in length, and may not incorporate the candidate's name, or the designation or an abbreviation of the designation of a party which that is qualified to nominate candidates by primary election. A candidate who intends to form a new party about that person's candidacy must use the proposed party's designation.

A. When 2 United States Senators or 2 county commissioners are to be nominated, the nomination petition must contain the term of office sought by the candidate.

B. The names of presidential electors must be placed on the petition as a slate. The names of the candidates for President and Vice President must be placed on a petition for the nomination of presidential electors.

Sec. 10. 21-A MRSA §355, sub-§3, as amended by PL 1995, c. 459, §29, is further amended to read:

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

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

Sec. 11. 21-A MRSA §364, as enacted by PL 1985, c. 161, §6, is amended to read:

§364. Candidacy by nomination petition

The nomination of a candidate or nominee, other than by party, to fill a vacancy must be made by nomination petition. The nomination process shall-be is in the same manner as provided by subchapter II, except that all petitions must be filed by 5 p.m. on the latest date established in the Governor's proclamation for the meeting of the appropriate political

2 committees to fill the vacancy ~~or, where a special election is to~~
3 ~~be held, by 5 p.m. of the date specified in the proclamation for~~
4 ~~filing by party candidates for the special election.~~

5 **Sec. 12. 21-A MRSA §412, sub-§2,** as amended by PL 1995, c.
6 154, §6, is further amended to read:

7 **2. Filing fees.** A candidate for the office of president
8 who does not file a petition with the Secretary of State pursuant
9 to subsection 1 must pay a \$2,500 filing fee to the Secretary of
10 State. A candidate must pay the filing fee at the time that
11 candidate files the required written statement of intent and no
12 later than December 1st in the year next prior to the year of the
13 presidential preference primary. If the candidate's party does
14 not file the certification required under section 411-A by
15 December 1st of the year next prior to the election, the
16 candidate may request in writing a refund of the \$2,500 filing
17 fee from the Secretary of State.

18 **Sec. 13. 21-A MRSA §737-A, sub-§1, ¶C,** as amended by PL 1995,
19 c. 459, §68, is further amended to read:

20 C. If the percentage difference shown by the official
21 tabulation between the leading candidate and the 2nd-place
22 candidate is at least 4% or more but less than 6% of the
23 total votes cast for that office, the deposit is \$1,000.

24 **Sec. 14. 21-A MRSA §737-A, sub-§1, ¶¶D to F** are enacted to read:

25 D. If the percentage difference shown by the official
26 tabulation between the leading candidate and the 2nd-place
27 candidate is at least 6% but less than 8%, the deposit is
28 \$5,000.

29 E. If the percentage difference shown by the official
30 tabulation between the leading candidate and the 2nd-place
31 candidate is at least 8% but less than 10%, the deposit is
32 \$10,000.

33 F. If the percentage difference shown by the official
34 tabulation between the leading candidate and the 2nd-place
35 candidate is 10% or more, the deposit is \$15,000 or the
36 total cost to the State to conduct the recount, whichever is
37 higher.

38 **Sec. 15. 21-A MRSA §753, sub-§3,** as amended by PL 1995, c.
39 459, §73, is further amended to read:

2 **3. Application or request received.** On receipt of a
3 completed application or a request for an absentee ballot signed
4 by the applicant, the clerk may immediately send or deliver an
5 absentee ballot and return envelope to the applicant or to a 3rd
6 person designated in the application or request. The clerk may
7 not deliver an absentee ballot to any 3rd person who is a
8 candidate or a member of a candidate's immediate family. The
9 clerk may not deliver to a 3rd person any absentee ballot
10 requested under subsection 2-A. If a municipal election is to be
11 held on the same date as a statewide election, absentee ballots
12 for the municipal and statewide election may be issued in
13 response to the same application. The clerk shall issue to any
14 3rd person designated in an application or request only enough
15 absentee ballots to ensure that that person does not have more
16 than 2 5 absentee ballots for voters in a municipality at any
17 time. A 3rd person must, unless good cause is shown, return an
18 absentee ballot to the clerk's office within the time limits
19 provided in section 755. The clerk shall include a ballot
20 application to be completed by the person who signed only a
21 written request, unless the written request is sufficient under
22 subsection 2. The clerk shall type or write in ink the name and
23 the legal address of the person for whom the absentee ballot is
24 intended in the upper left hand section of all return envelopes.

25 A. If the clerk receives a duplicate application from a
26 person from whom the clerk has received a return envelope
27 apparently containing an absentee ballot, the clerk may not
28 furnish another absentee ballot for that person.

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

32 (1) The applicant states good cause, including, but
33 not limited to, loss of, spoiling of or damage to the
34 first absentee ballot; or
35

36 (2) An absentee ballot for the applicant that was
37 furnished to a designated 3rd person is not returned to
38 the clerk's office within 2 business days of the date
39 that ballot was sent or delivered to the 3rd person or
40 the date that 3rd person was notified by the clerk that
41 the ballot was available, or by 10 a.m. on the day
42 before election day, whichever is earlier. If a ballot
43 for an applicant is not returned to the clerk within 2
44 days of notification, the clerk shall mail a ballot to
45 that applicant on the 3rd day after notification and
46 may issue no other ballot to the applicant except for
47 good cause as provided in this subsection. This
48

2 subparagraph does not affect the time for delivery of
absentee ballots under section 755.

4 **Sec. 16. 21-A MRSA §754-A, sub-§1**, as enacted by PL 1985, c.
357, §§12 and 19, is amended to read:

6 **1. Ballot delivered by mail and returned by mail or in**
8 **person.** When a voter obtains his a ballot from the clerk by mail
and returns his that ballot in person to the clerk or by mail and
10 he receives no assistance in marking his the ballot, the
following procedures apply.

12 A. The voter must mark his the ballot according to section
14 691 or 692 so that it is impossible for anyone present at
the time to see how he the voter voted.

16 B. While the voter is marking the ballot, there may be no
18 communication between the voter and any other individual as
to the person or question for which the voter is to vote.

20 C. After the voter has completed marking his the ballot, he
22 the voter must then seal the ballot in its return envelope
and complete the affidavit on the envelope. No notary or
24 witness certification is required.

26 D. The voter must then complete the address on the envelope
and mail it to the clerk of the municipality of which he the
28 voter is a resident. He- The voter must send a completed
application, if necessary, in a separate envelope.

30 **Sec. 17. 21-A MRSA §1055, 2nd ¶**, as enacted by PL 1985, c.
32 161, §6, is amended to read:

34 No person operating a broadcasting station within this
State may broadcast any such communication without an oral or
36 visual announcement of the name and address of the political
action committee which that made or financed the expenditure for
38 the communication and statement that reads: "A copy of our
report is available from and may be viewed at the office of the
40 ~~Secretary-of-State~~ Commission on Governmental Ethics and Election
Practices."

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STATEMENT OF FACT

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

2 The bill clarifies the meaning of a voting district for a
municipality.

4 The bill clarifies the records and documents that may be
open to public inspection. It also requires that certain records
6 may be excluded from public inspection pursuant to a court order
of protection.

8 The bill changes the appointment of a qualified registrar of
10 voters from 10 days to 30 days after municipal officials are
sworn to office.

12 The bill amends the term of office for the registrar of
14 voters.

16 The bill amends the deadline for candidates by nomination
petition to withdraw their enrollment.

18 The bill repeals the provision regarding the removal of a
20 voter's name from the voting list for failure to meet voting
requirements.

22 The bill clarifies the provisions regarding the declaration
24 of intent for the formation of a new party by requiring the name
of a candidate for Governor or for President in the last
26 preceding general election who was nominated by petition under
the proposed party's designation. It also requires the telephone
28 number and signature of the voter or group of voters who file a
declaration of intent.

30 The bill amends the requirements in a nomination petition by
32 requiring that a candidate who intends to form a new party must
use the proposed party's designation.

34 The bill amends the statement required of a candidate in the
36 candidate's consent on a candidate's petition to include
declaring that the candidate meet the qualifications of the
38 office the candidate seeks.

40 The bill clarifies language regarding the filing deadline of
a nomination petition where a special election is to be held.

42 The bill provides for a refund of the filing fee for a
44 candidate for the office of President.

46 The bill changes the numbers on percentage of vote spread
between the leading candidate and the 2nd-place candidate for
48 which a \$1,000 recount deposit is required. The bill also
establishes additional recount deposits.

50

2 The bill increases the number of absentee ballots that a 3rd
person may have in a municipality at any time.

4 The bill provides for the return of an absentee ballot in
6 person.

8 The bill amends the provision regarding a broadcast
announcement of a political action committee to provide that a
10 committee's report may be viewed at the office of the Commission
on Governmental Ethics and Election Practices.

12 The bill amends the election laws to make them
gender-neutral.