

# 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)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 949

S.P. 298

In Senate, February 11, 1997

---

### An Act Regarding the Wording of Ballot Questions.

---

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.  
Cosponsored by Representative FISHER of Brewer and  
Senator DAGGETT of Kennebec, Representatives: JOY of Crystal, JONES of Bar Harbor.

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

4                    **Sec. 1. 21-A MRSA §905, sub-§2,** as amended by PL 1987, c. 119,  
§1, is further amended to read:

6                    **2. Superior Court.** Any voter named in the application  
7 under section 901, or any person who has validly signed the  
8 petitions, if these petitions are determined to be invalid, or  
9 any other voter, if these petitions are determined to be valid,  
10 may appeal the decision of the Secretary of State by commencing  
11 an action in the Superior Court. This action shall must be  
12 conducted in accordance with the Maine Rules of Civil Procedure,  
13 Rule 80C, except as modified by this section. In reviewing the  
14 decision of the Secretary of State, the court shall determine  
15 whether the question describes each major element of the law at  
16 issue, the description of the-subject-matter is understandable to  
17 a reasonable voter reading the question for the first time and  
18 the question will not mislead a reasonable voter who understands  
19 the proposed legislation into voting contrary to his that voter's  
20 wishes. This action must be commenced within 5 days of the date  
21 of the decision of the Secretary of State and shall must be  
22 tried, without a jury, within 15 days of the date of that  
23 decision. Upon timely application, anyone may intervene in this  
24 action when the applicant claims an interest relating to the  
25 subject matter of the petitions, unless the applicant's interest  
26 is adequately represented by existing parties. The court shall  
27 issue its written decision containing its findings of fact and  
28 stating the reasons for its decision within 30 days of the  
29 commencement of the trial or within 45 days of the date of the  
30 decision of the Secretary of State, if there is no trial.

32                    **Sec. 2. 21-A MRSA §906, sub-§6, ¶¶B and C,** as repealed and  
replaced by PL 1993, c. 352, §3, are amended to read:

34                    B. The Secretary of State shall write the question in a  
35 simple, clear, concise and direct manner that describes the  
36 subject-matter-of-the-people's-veto-or-direct-initiative  
37 each major element of the law at issue.

40                    C. The question must be phrased so that an affirmative vote  
is in favor of the people's veto or direct initiative,  
42 unless doing so would confuse voters.

44

#### 46                    SUMMARY

48                    Current law requires the Secretary of State to write the  
question to be placed on the ballot for a people's veto or for  
49 initiated legislation and requires only that the question  
50 described the subject matter not the full content of the law to  
be vetoed or initiated. This bill requires that the question  
51 include a description of each major element of the law at issue.  
52 It also gives the Secretary of State flexibility to write the  
53 question to avoid confusion about the impact of an affirmative  
54 vote.