

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1520

H.P. 1083

House of Representatives, March 13, 1997

An Act to Amend Various Election Laws.

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 BELANGER of Wallagrass.
Cosponsored by Senator CAREY of Kennebec and
Representatives: BARTH of Bethel, BELANGER of Caribou, CARLETON of Wells,
DONNELLY of Presque Isle, KNEELAND of Easton, TRUE of Fryeburg, WHEELER of
Bridgewater, Senator: KIEFFER of Aroostook.

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

2
4 **Sec. 1. 21-A MRSA §161, sub-§2**, as repealed and replaced by PL 1993, c. 695, §15, is amended to read:

6 **2. List current.** A registrar shall keep the voting list
8 current at all times by adding the names of new voters and by
10 removing the names of those registrants who request to be removed
12 and registrants who have died, moved from the municipality or
14 become disqualified to vote. A person appointed pursuant to
16 Title 18-A, Article V, Part 3 as guardian of an incapacitated
18 person who is registered to vote shall notify the registrar of
20 the appropriate municipality to remove the name of the
incapacitated person from the voting list. The Secretary of
State annually shall check voting lists at random to ensure that
the lists are current. The Secretary of State shall by rule
determine the program for voter list maintenance required by the
National Voter Registration Act of 1993. A registrar may not
remove the name of a registered voter from the voter list solely
because the registered voter did not vote in previous elections.

22 A registrar may contact other municipalities within the
24 representative district or senatorial district in which the
26 registrar's municipality is apportioned to ascertain whether
voters on that municipality's voting list are also registered in
another municipality in the district.

28 **Sec. 2. 21-A MRSA §501, sub-§2**, as amended by PL 1995, c. 459,
30 §32, is further amended to read:

32 **2. In town.** In a town, with the approval of the municipal
34 officers, the clerk of the municipality shall appoint a warden
36 and may appoint one or more deputy wardens to assist in the
38 duties on election day. If the clerk appoints another person as
40 warden, the clerk may serve as deputy warden. It does not
constitute an incompatibility of office for the clerk to serve as
warden-~~or~~ deputy warden. The clerk may not serve as warden. The
warden and deputy warden are entitled to a reasonable
compensation as determined by the municipal officers.

42 **Sec. 3. 21-A MRSA §503, sub-§1**, as repealed and replaced by PL
1995, c. 459, §33, is amended to read:

44 **1. Qualifications; appointment; compensation.** Election
46 clerks must be at least 18 years of age, registered to vote and a
48 resident of the municipality. The municipal officers of each
50 municipality shall appoint election clerks no later than May 1st
of each general election year to serve at each voting place
during the time the polls are open ~~and--as--counters--after--the
polls--close.~~ A list of the election clerks appointed by the

2 municipal officers must be posted at each voting place. Election
clerks are entitled to a reasonable compensation as determined by
the municipal officers.

4
6 **Sec. 4. 21-A MRSA §503, sub-§2, ¶A,** as repealed and replaced
by PL 1995, c. 459, §33, is amended to read:

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

20 **Sec. 5. 21-A MRSA §503, sub-§4,** as repealed and replaced by PL
1995, c. 459, §33, is repealed and the following enacted in its
22 place:

24 4. Ballot counters. The chair of the municipal committee
of each major party shall appoint 2 ballot counters to count
26 ballots after the polls close.

28 **Sec. 6. 21-A MRSA §503, sub-§8,** as repealed and replaced by PL
1995, c. 459, §33, is amended to read:

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

38 **Sec. 7. 21-A MRSA §663** is enacted to read:

40 **§663. Secretary of State**

42 The Secretary of State has the same power with respect to
elections involving only municipal offices or issues as the
44 Secretary of State has with respect to other elections.

46 **Sec. 8. 21-A MRSA §751, sub-§7,** as amended by PL 1995, c. 670,
Pt. A, §1 and affected by Pt. D, §5, is further amended to read:
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2 **7. Residence in certain facilities.** Residence in a
3 licensed nursing home, as defined in Title 22, chapter 405,
4 licensed boarding home, as defined in Title 22, chapter 1665, or
5 certified congregate housing unit, as defined in Title 22,
6 chapter 1665. Residents of those facilities may cast absentee
7 ballots only when the clerk is present. A chair of a municipal
8 committee of a major party may be present when absentee ballots
are cast;

10 **Sec. 9. 21-A MRSA §753, sub-§3-A,** as amended by PL 1995, c.
11 670, Pt. A, §2 and affected by Pt. D, §5, is further amended to
12 read:

14 **3-A. Alternate method of balloting by residents of licensed**
15 **nursing homes, licensed boarding homes or certified congregate**
16 **housing units.** The municipal clerk shall designate one or more
17 times during the 30-day period prior to an election during which
18 the municipal clerk must be present in any licensed nursing home,
19 as defined in Title 22, chapter 405; licensed boarding home, as
20 defined in Title 22, chapter 1665; or certified congregate
21 housing unit, as defined in Title 22, chapter 1665, for the
22 purpose of absentee balloting by the residents of these homes or
23 units. The clerk shall designate which areas in these facilities
24 constitute the voting place, the voting booth and the guardrail
25 enclosure. Sections 681 and 682 apply to voting in these
26 facilities within the areas designated by the clerk. A chair of
27 a municipal committee of a major party may be present when
28 absentee ballots are cast.

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SUMMARY

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This bill makes the following changes to the laws governing
election practices.

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38 1. It requires a person appointed guardian of an
39 incapacitated person who is registered to vote to notify the
40 registrar of the appropriate municipality to remove the name of
41 the incapacitated person from the voting list.

42

43 2. It requires the Secretary of State to check annually the
44 voting lists at random to ensure that the lists are current.

44

45 3. It provides that a municipal clerk may not serve as
46 warden.

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49 4. It requires the chair of the municipal committee of each
50 major party to appoint 2 ballot counters to count ballots after
the polls close.

2 5. It provides that the Secretary of State has the same
power with respect to elections involving only municipal offices
4 or issues as the Secretary of State has with respect to other
elections.

6
8 6. It provides that a chair of a municipal committee of a
major party may be present when a resident of a nursing home,
boarding home or congregate housing unit casts an absentee ballot.

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