

MAINE STATE LEGISLATURE

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L.D. 1731

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LEGAL AND VETERANS AFFAIRS

Reported by: Senator Ferguson

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT " A" to S.P. 574, L.D. 1731, Bill, "An Act to Amend the Election Laws"

Amend the bill by inserting after section 9 the following:

'Sec. 10. 21-A MRSA §23, sub-§1, as amended by PL 1995, c. 459, §2, is further amended to read:

1. Registration and enrollment applications. The registrar shall keep registration, enrollment and changes of enrollment applications and requests in the registrar's office permanently, except that those records must be kept only ~~10~~ 5 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and 162-A.'

Further amend the bill in section 17 by striking out all of subsection 8 (page 3, lines 28 to 34 in L.D.) and inserting in its place the following:

'8. Vacancy. When there is a vacancy in the office of registrar, the municipal officers shall appoint a qualified person to fill the vacancy for the remainder of the term of office. If the municipal officers fail to appoint a registrar to fill the vacancy within 15 days after the municipal officers receive notification of the vacancy, the municipal clerk shall appoint a qualified person to fill the vacancy for the remainder of the term of office.'

Further amend the bill in section 19 in paragraph A by striking out all of subparagraph (10) (page 4, lines 36 to 38 in L.D.) and inserting in its place the following:

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2 '(10) The residence address, not a post office box,
shown on any current resident hunting or fishing
4 licenses held by the person;'

6 Further amend the bill by striking out all of section 21.

8 Further amend the bill in section 52 by striking out all
that part designated "**§362.**" (page 14, lines 32 to 38 in L.D.)
and inserting in its place the following:

10 '**§362. Governor's proclamation for political committee meetings**

12
14 When required by this subchapter, the Governor shall issue a
proclamation declaring the vacancy, ordering the appropriate
16 political committee to fill it and setting a ~~time-and-place~~
deadline for the committee to ~~meet~~ fill the vacancy.'

18 Further amend the bill in section 54 in that part designated
"**§364.**" in the first paragraph in the next to the last line (page
20 15, line 11 in L.D.) by striking out the following: "Secretary of
State" and inserting in its place the following: 'Governor'

22
24 Further amend the bill by striking out all of sections 55,
56, 57, 58 and 59.

26 Further amend the bill by striking out all of section 61 and
inserting in its place the following:

28
30 '**Sec. 61. 21-A MRSA §381, sub-§1,** as enacted by PL 1985, c.
161, §6, is amended to read:

32 1. **Nominees chosen.** He The Governor shall order the
appropriate political ~~committee-members-to-choose~~ committees to
34 meet and shall set the deadline for choosing nominees and ~~shall~~
~~set-a-time-and-place-for-them-to-meet.~~ The ~~committee-members~~
36 political committees shall follow the procedure outlined in
section 363.

38
40 **Sec. 62. 21-A MRSA §382, sub-§1,** as enacted by PL 1985, c.
161, §6, is amended to read:

42 1. **Nominees chosen.** He The Governor shall order the
appropriate political committees to ~~choose~~ meet and shall set the
44 deadline for choosing nominees and ~~shall set a time and place for~~
~~them-to-meet.~~ The committees shall follow the procedure outlined
46 in section 363.'

48 Further amend the bill by striking out all of section 62.

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Further amend the bill in section 63 in that part designated "§393." by striking out all of the first paragraph (page 17, lines 47 to 50 and page 18, lines 1 to 3 in L.D.) and inserting in its place the following:

'Except as provided in section 804, when there is a vacancy in the office of presidential elector, the Governor shall issue a proclamation under section 362 ordering the appropriate state committee to choose a qualified person to fill the vacancy in accordance with the deadline in the proclamation. The procedure outlined in section 363 shall must be followed.'

Further amend the bill by striking out all of section 110 and inserting in its place the following:

'**Sec. 110. 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:

7. Residence in certain facilities. Residence in a licensed nursing home, as defined in Title 22, chapter 405, licensed boarding home, as defined in Title 22, chapter 1665, or certified congregate housing unit, as defined in Title 22, chapter 1665. Residents of those facilities may cast absentee ballots only when the clerk is present;'

Further amend the bill in section 116 by striking out all of subsection 7 (page 34, lines 35 to 49 and page 35, lines 1 to 11 in L.D) and inserting in its place the following:

'**7. Absentee voting in presence of clerk.** A person who wishes to vote by absentee ballot because that person will not be able to vote in person at the voting place on election day may, without completing an application, vote by absentee ballot in the presence of the clerk. The method of voting is otherwise as prescribed in this Article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or ballot issue is prohibited within the clerk's office and ~~within 250 feet of the entrance to the clerk's office or on the~~ on public property ~~on which the clerk's office stands, whichever is less~~ w within 250 feet of the entrance to the clerk's office.

2 A. This subsection does not apply to the display or
3 distribution of any campaign advertising material on private
4 property that is within 250 feet of the entrance to the
5 clerk's office.

6 B. This subsection does not apply to campaign advertising
7 material on automobiles traveling to and from the municipal
8 office or parked on municipal property while visiting the
9 municipal office to conduct municipal business. It does not
10 prohibit a person who is at the municipal office for the
11 purpose of conducting municipal business or for absentee
12 voting from wearing a campaign button when the longest
13 dimension of the button does not exceed 3 inches.'

14 Further amend the bill by striking out all of section 124.

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

20 Further amend the bill by inserting at the end before the
21 summary the following:

24 **FISCAL NOTE**

26 The additional workload and administrative costs associated
27 with the minimal number of new cases filed in the court system
28 can be absorbed within the budgeted resources of the Judicial
29 Department. The collection of additional fines may increase
30 General Fund revenue by minor amounts.'

34 **SUMMARY**

36 This amendment:

38 Changes the number of years that the registrar must maintain
39 records for a voter whose name has been removed from the list
40 from 10 years to 5 years;

42 Adds a provision that if the municipal officers fail to
43 appoint a registrar to fill a vacancy within 15 days after the
44 officers receive notice of the vacancy, then the municipal clerk
45 appoints a registrar;

48 Keeps in the law the use of a hunting or fishing license for
49 residency identification;

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2 Removes from the bill the provision that a person with a
nontraditional residence need not have a mailing address in order
to establish residency;

4
6 Amends sections 52 to 63 of the bill to clarify that the
Governor issues a proclamation declaring a vacancy and
establishes the deadline for filling the vacancy but the party
8 committees establish the time and place to meet;

10 Clarifies when residents of nursing homes may vote by
absentee ballot;

12
14 Clarifies that the distribution of any advertising material
intended to influence a voter's decision is prohibited within 250
feet of the clerk's office, and that the law does not apply to
16 private property, and subjects those materials to the current
requirement that on election day all materials must be removed.
18 The amendment clarifies that campaign advertising on an
automobile or on a campaign button is permissible when a person
20 is visiting a municipal office for the purpose of conducting
municipal business or voting absentee; and

22
24 Removes a section of the bill regarding the payment of
petition circulators since this provision is now law, Public Law
1997, chapter 61.