

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1731

S.P. 574

In Senate, April 1, 1997

An Act to Amend the Election Laws.

Submitted by the Secretary of State pursuant to Joint Rule 204.
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 DAGGETT of Kennebec.
Cosponsored by Representative TUTTLE of Sanford and
Senator FERGUSON of Oxford, Representative: TRUE of Fryeburg.

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

2
3 **Sec. 1. 21-A MRSA §1, sub-§1**, as amended by PL 1995, c. 459,
4 §1, is further amended to read:

6 **1. Absentee voter.** "Absentee voter" means a person who
7 qualifies under section ~~751-A~~ 751 to cast an absentee ballot.

8
9 **Sec. 2. 21-A MRSA §1, sub-§14**, as enacted by PL 1985, c. 161,
10 §6, is amended to read:

12 **14. Election official.** "Election official" means a warden,
13 ward clerk, deputy warden or election clerk.

14
15 **Sec. 3. 21-A MRSA §1, sub-§20**, as amended by PL 1993, c. 447,
16 §1, is further amended to read:

18 **20. Immediate family.** "Immediate family" means a person's
19 spouse, parent, child, sister, brother, stepparent, stepchild,
20 stepsister, stepbrother, mother-in-law, father-in-law,
21 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
22 guardian or former guardian.

24 **Sec. 4. 21-A MRSA §1, sub-§38**, as enacted by PL 1985, c. 161,
25 §6, is amended to read:

26 **38. Registrar.** "Registrar" means the registrar, or deputy
27 registrar ~~of the board of registration~~ of voters of a
28 municipality.

30 **Sec. 5. 21-A MRSA §1, sub-§40**, as enacted by PL 1985, c. 161,
31 §6, is amended to read:

34 **40. Residence.** "Residence" means that place ~~in which a~~
35 ~~person's habitation is fixed and to which that person, whenever~~
36 ~~absent, has the intention to return~~ where the person has
37 established a fixed and principal home to which the person,
38 whenever temporarily absent, intends to return.

40 **Sec. 6. 21-A MRSA §1, sub-§48**, as enacted by PL 1985, c. 161,
41 §6, is amended to read:

42 **48. Voting district.** "Voting district" means an area set
43 off from another in the same municipality for voting purposes.
44 It includes wards and precincts. In a municipality which that
45 has only one voting placee district, it means the entire
46 municipality. The first breakdown of a municipality is a ward.
47 Further breakdowns of a municipality are precincts.

50 **Sec. 7. 21-A MRSA §1, sub-§52** is enacted to read:

2 **Sec. 14. 21-A MRSA §101, sub-§2**, as enacted by PL 1985, c.
161, §6, is amended to read:

4 **2. Term of office.** He The registrar shall serve for one
year 2 years and until his a successor is appointed and sworn.
6 If the municipal clerk is appointed to serve as registrar, the
term of the registrar is the same as the term of the clerk.

8 **Sec. 15. 21-A MRSA §101, sub-§3**, as amended by PL 1987, c 737,
10 Pt. C, §§62 and 106; as amended by PL 1989, c. 6; c. 9, §2; and
c. 104, Pt. C, §§8 and 10, is further amended to read:

12 **3. Oath required.** Before assuming the duties of office, he
14 the registrar must be sworn and the ~~fact-of-his~~ oath recorded as
provided in Title 30-A, section 2526, subsection 9.

16 **Sec. 16. 21-A MRSA §101, sub-§4**, as enacted by PL 1985, c.
18 161, §6, is amended to read:

20 **4. Secretary of State notified.** The ~~municipal-officers~~
clerk shall notify the Secretary of State of the name of the
22 registrar within 10 days after he the registrar is appointed and
sworn.

24 **Sec. 17. 21-A MRSA §101, sub-§8**, as enacted by PL 1985, c.
26 161, §6, is amended to read:

28 **8. Vacancy.** When there is a vacancy in the office of
registrar, the municipal officers shall appoint a qualified
30 person to fill the vacancy for the remainder of the term of
office. If the municipal officers fail to appoint a registrar to
32 fill the vacancy, the municipal clerk shall appoint a qualified
person to fill the vacancy for the remainder of the term of
34 office.

36 **Sec. 18. 21-A MRSA §103, sub-§1**, as amended by PL 1995, c.
459, §6, is further amended to read:

38 **1. Population of 5,000 or over.** The registration appeals
40 board consists of 3 members who must be appointed as follows:
The municipal committee of each of the major political parties
42 shall nominate one member, who must be enrolled in the party of
the municipal committee that nominates the member, and the
44 municipal officers shall appoint the persons nominated by the
municipal committees and the 3rd member must be nominated by the
46 clerk of the municipality and appointed by the municipal
officers. The clerk of the municipality may give the municipal
48 committees of the political parties a list of qualifications
necessary for a person to fulfill the duties of the registration
50 appeals board, and the municipal committees shall take those

2 qualifications into consideration when nominating members to the
3 board. The 2 members of the board nominated by the municipal
4 committees of the major political parties may be members of the
5 political municipal committee nominating them and of the county
6 or state committees of the political party that nominates them
7 and may be members of a state or county delegation to a political
8 convention. When a municipal committee nominates a member to the
9 registration appeals board, it shall also nominate an alternate
10 board member, who serves if the member nominated by the municipal
11 committee is or becomes unable to serve. The municipal clerk may
12 not serve as a member or alternate member of the registration
13 appeals board.

14 **Sec. 19. 21-A MRSA §112, sub-§1, ¶A**, as amended by PL 1993, c.
15 695, §2, is further amended to read:

16 A. The following factors may be offered by an applicant and
17 considered by a registrar in determining a person's
18 residence under this section:

19 (1) A direct statement of intention by the person
20 pursuant to section 121, subsection 1;

21 (2) The location of any dwelling currently occupied by
22 the person;

23 (6) The place where any motor vehicle owned by the
24 person is registered;

25 (8) The residence address, not a post office box,
26 shown on a current income tax return;

27 (9) The residence address, not a post office box, at
28 which the person's mail is received;

29 ~~(10) The residence address, not a post office box,
30 shown on any current resident hunting or fishing
31 licenses held by the person;~~

32 (12) The residence address, not a post office box,
33 shown on any motor vehicle operator's license held by
34 the person;

35 (14) The receipt of any public benefit conditioned
36 upon residency, defined substantially as provided in
37 this subsection; or

38 (16) Any other objective facts tending to indicate a
39 person's ~~intention regarding that person's~~ place of
40 residence.
41

2 **Sec. 20. 21-A MRSA §112, sub-§14**, as amended by PL 1993, c.
473, §4 and affected by §46, is further amended to read:

4 **14. Persons incarcerated in correctional facilities.** The
6 residence of a person incarcerated in a correctional facility, as
defined in Title 34-A, section 1001, or in a county jail does not
8 include the municipality where a person is incarcerated unless
the person had resided in that municipality prior to
10 incarceration.

12 A person incarcerated in a correctional facility may apply to
register to vote in any municipality where that person has
14 previously established a fixed and principal home to which the
person intends to return.

16 **Sec. 21. 21-A MRSA §112, sub-§15**, as enacted by PL 1993, c.
18 473, §5 and affected by §46, is amended to read:

20 **15. Nontraditional residence.** A person may have a
nontraditional residence, including, but not limited to, a
22 shelter, park or underpass. A person's residency is not subject
to challenge on the sole basis that the person has a
24 nontraditional residence. A person with a nontraditional
residence need not have a mailing address in order to establish
26 residency.

28 **Sec. 22. 21-A MRSA §121, sub-§1-A**, as repealed and replaced by
PL 1993, c. 695, §5, is amended to read:

30 **1-A. Identification and proof.** Registration applications
32 taken by outside agencies must be transferred to the Secretary of
State within 5 days of receipt. An applicant who attempts to
34 register within 20 days of an election must be advised that the
registrar might not receive the application before that election,
36 but that the applicant may register in person before or on
election day.

38 Registration applications received by the Secretary of State from
40 outside agencies 21 days or more before an election must be
transferred to the appropriate registrar's office within 10 days
42 of receipt. Registration applications received by the Secretary
of State from outside agencies 20 days or less before an election
44 must be transferred to the appropriate registrar's office within
5 days of receipt. Registration applications by mail or by a 3rd
46 person must be received in the registrar's office by the close of
business 15 10 business days before election day in order for
48 persons to appear on the list of registered voters for that
election. If the registrar's office is not open on that day, the

2 registrar must accept applications by mail that are received on
3 the next day the registrar's office is open.

4 A person who registers during the ~~15~~ 10 business days before
5 election day or on election day shall register in person and show
6 proof of identity and residency. If satisfactory proof of
7 identity and residency can not be provided to the registrar or
8 deputy, the person's name is placed on the voting list and the
9 person casts a challenged ballot.

10 **Sec. 23. 21-A MRSA §122, sub-§§6 and 7,** as enacted by PL 1985,
11 c. 307, §1, are amended to read:

12 **6. Names to be placed on voting list.** Except as provided in
13 paragraph A, the registrar shall accept registrations on any
14 business day or other day that the clerk's office is open. The
15 names of any person registering shall must be placed on the
16 voting list.

17 **A.** The registrar shall may accept only the registrations of
18 applicants who appear in person as follows:

19 (1) In a municipality with a population of 2,500 or
20 less fewer, on the last business day that the clerk's
21 office is open before election day during the hours
22 that the clerk's office is open;

23 (2) In a municipality with a population of more than
24 2,500, on the last 5 business days that the clerk's
25 office is open before election day, ~~from 1 p.m. to~~
26 during the hours that the clerk's office is open and
27 for 2 hours in the evening between 5 p.m. and 7 p.m. to
28 9 p.m. on at least 3 of these days; and

29 (3) The names of voters registering during these
30 periods shall must be recorded as provided under
31 subsection 7.

32 **7. Record of names.** The names of voters who register by
33 appearing in person before the registrar during the business days
34 before election day under subsection 6 shall must be recorded as
35 provided in either paragraph A or B, ~~as the municipal officers~~
36 direct:

37 **A.** The registrar shall, after finding an applicant
38 qualified, issue a certificate entitling the voter to be
39 placed on the voting list at the voting place on election
40 day. Only one certificate may be issued to any person; or

2 B. The registrar shall, after finding the applicant
qualified, place the names of those voters on the voting
4 list or on a supplemental voting list. Before the polls are
opened, the registrar shall deliver the voting list and the
6 supplemental list or lists to the clerk ~~or ward clerk at~~
~~each voting place~~. The inclusion of a person's name on ~~that~~
8 ~~list~~ these lists will entitle the applicant to vote on
election day. All references in this Title to the use of
10 the voting list before, during and after election day are
considered to include the supplemental voting list or lists
as provided in this paragraph.

12 **Sec. 24. 21-A MRSA §125**, as amended by PL 1985, c. 614, §7,
14 is further amended to read:

16 **§125. Notice of schedule**

18 The registrar shall publish the ~~time and hourly schedules~~
schedule established under section 122, ~~or as changed by the~~
20 ~~municipal officers~~ subsection 6 or as changed by the municipal
officers under subsection 8, in a newspaper having general
22 circulation in the municipality at least 7 days before the
schedule becomes effective, except that, in municipalities with a
24 population of 2,500 or ~~less~~ fewer, the publication of the time
schedule by the registrar is discretionary rather than compulsory.

26 **Sec. 25. 21-A MRSA §128, first ¶**, as enacted by PL 1985, c.
28 161, §6, is amended to read:

30 Before ~~the close of the period for accepting the~~
~~registrations of voters to be placed on~~ printing the final voting
32 list prior to any election, the registrar shall update the voting
list as follows:

34 **Sec. 26. 21-A MRSA §128, sub-§2**, as amended by PL 1993, c.
36 695, §8, is further amended to read:

38 **2. Clerk provides list.** The clerk shall, if requested,
provide the registrar with a list, certified by the clerk to be
40 true, of the marriages, deaths and changes that took place ~~during~~
~~the 2 years preceding the close of the period for accepting the~~
42 ~~registrations of voters to be placed on the~~ since the last update
of the voting list. The registrar shall use this list to update
44 the voting list accordingly; or

46 **Sec. 27. 21-A MRSA §129, sub-§2**, as enacted by PL 1985, c.
48 161, §6, is amended to read:

50 **2. Correction of name or address.** The registrar shall
correct the voter's name or address on the voting list, and he

2 may the voter must then vote under his the voter's new name or in
his the new district on election day.

4 A. In a municipality which has more than one voting
6 district, if a voter has changed his the voter's address and
votes absentee after the close of registration, he the voter
8 must send a written notice of his the voter's new address
along with his the voter's absentee application notifying
10 the board of registration of his the voter's new address. A
certificate containing his the voter's name and new address
12 shall must be directed to the warden of his the voter's new
voting place to be attached to the incoming voting list on
election day.

14 **Sec. 28. 21-A MRSA §129, sub-§4,** as enacted by PL 1985, c.
16 161, §6, is repealed.

18 **Sec. 29. 21-A MRSA §142, sub-§1,** as enacted by PL 1985, c.
20 161, §6, is amended to read:

22 **1. Content of application.** The application must contain
the following information: Name of applicant, date of birth,
street address, voting district, name of party in which
24 enrollment is requested, signature of the applicant and the date
of application.

26 **Sec. 30. 21-A MRSA §143, first ¶,** as enacted by PL 1985, c.
28 161, §6, is amended to read:

30 A voter who is not enrolled in a party may enroll at any
election by personally filing the application required by section
32 142 with the election clerk in charge of the ballots, after which
he the applicant may vote. If the applicant votes by absentee
34 ballot ~~because of physical incapacity,~~ he the applicant may file
the enrollment application with his the absentee ballot.

36 **Sec. 31. 21-A MRSA §144, sub-§1,** as enacted by PL 1985, c.
38 161, §6, is amended to read:

40 **1. Content of application.** The application must contain
the following information: Name of applicant, the date of birth,
42 street address, voting district, name of party in which enrolled,
name of party in which enrollment is requested, signature of the
44 applicant and the date of application.

46 **Sec. 32. 21-A MRSA §145, sub-§1,** as enacted by PL 1985, c.
48 161, §6, is amended to read:

50 **1. Candidates for nomination by nomination petition.** If
enrolled, candidates for nomination by nomination petition must

2 withdraw their enrollment ~~at least 3 months before the required~~
3 ~~date for filing of the nomination petition~~ by March 1st of that
4 election year.

5 **Sec. 33. 21-A MRSA §145, sub-§2**, is enacted to read:

6 **2. Reenrollment after withdrawal.** A voter may not enroll
7 in a different party for 15 days after filing a written request
8 for withdrawal from a party.

9 **Sec. 34. 21-A MRSA §152, sub-§1, ¶J**, as enacted by PL 1985, c.
10 161, §6, is amended to read:

11 J. Date of ~~registration~~ application;

12 **Sec. 35. 21-A MRSA §152, sub-§§2 and 3**, as enacted by PL 1985,
13 c. 161, §6, are amended to read:

14 **2. Placement on voting list.** Upon receipt of the
15 application by the registrar of voters ~~or the board of~~
16 ~~registration when in open session~~, the applicant's name shall
17 must be entered on the voting lists of the municipality as soon
18 as the voter has qualified.

19 **3. Failure to qualify.** The registrar of voters ~~or the~~
20 ~~board of registration~~ may investigate any application and remove
21 the voter's name from the list for failure to meet a voting
22 requirement qualification under this Title, after written notice
23 to the voter, to the last known address provided by the voter.

24 **Sec. 36. 21-A MRSA §154**, as amended by PL 1995, c. 459, §17,
25 is further amended to read:

26 **§154. Registration and enrollment for citizens outside the**
27 **United States**

28 **1. Application.** A person qualified to register under
29 section 111, subsections 1 and 2 and who resides outside the
30 United States and does not maintain a fixed and principal home or
31 other address in the State may register at the last residence
32 address immediately before leaving the United States and enroll
33 by filing a federal postcard application or an application
34 designed by the Secretary of State containing the following
35 information:

36 A. First name, middle name or initial and last name, or
37 first name or initial, middle name and last name;

38

- 2 B. Last residence address immediately before departing from
the United States, including street, street number,
apartment number, town and zip code;
- 4
- 6 C. Mailing address;
- 8 D. Date of birth;
- 10 H. Notification that failure to complete the entire
application may prevent registration;
- 12 ~~I. Passport or identity card registration number;~~
- 14 J. Signature of applicant;
- 16 K. Sworn statement that the applicant is a United States
citizen and that all information is correct;
- 18 L. Date of application; and
- 20 ~~M. Date of registration; and~~
- 22 N. Choice of political party if the registrant wishes to
24 enroll in a political party or an indication that the
applicant chose not to enroll in a party.

26 **Sec. 37. 21-A MRSA §157**, as amended by PL 1991, c. 466, §9,
28 is further amended to read:

30 **§157. Acceptance of applications by clerk**

32 The clerk shall accept applications for registration and
enrollment when the registrar of voters is unavailable ~~or the~~
34 ~~board is not in session.~~

36 **1. Applicant must qualify before clerk.** The clerk shall
require an applicant for registration to qualify under section
38 122. If the applicant qualifies, the clerk shall write "OK" and
initial the application and file it with the board registrar. If
40 the applicant fails to qualify or if ~~his~~ the applicant's
qualifications are in doubt, the clerk shall refuse to accept ~~his~~
42 the application and direct ~~him~~ the applicant to appear before the
board registrar.

44 **2. Final action by registrar.** Final action for acceptance
46 of a registration or enrollment must be taken by the board
registrar. If the board registrar rejects an application
48 accepted by the clerk, ~~it~~ the registrar shall immediately notify
the applicant by first class mail of the rejection and the reason
50 for it.

2 **Sec. 38. 21-A MRSA §158**, as amended by PL 1993, c. 447, §2,
is further amended to read:

4 **§158. Municipal caucus**

6 The registrar ~~or board of registration~~ shall ~~meet in session~~
8 ~~on the day of~~ attend the official party caucuses for at least one
10 hour preceding the commencement of the party caucus at the
location where the party caucus is being held to accept
12 registrations and enrollments and all persons so registered and
enrolled may participate in their party caucus.

14 **Sec. 39. 21-A MRSA §161, sub-§1**, as amended by PL 1985, c.
273, §§1 and 3, is further amended to read:

16 **1. List prepared.** The registrar shall prepare a printed or
18 typewritten list of all the voters of the municipality, arranged
alphabetically by last name. ~~He shall add~~ The list must include
20 the street address of each voter beside the voter's name, mailing
address and zip code number. In a municipality covered by only
22 one zip code, ~~he~~ the registrar may print or type the zip code at
the top of each page of the voting list. In a municipality which
24 has voting districts, ~~he~~ the registrar shall make a separate list
for each district.

26 A. Except as provided in subparagraph (1), the registrar
28 shall note the enrollment status of each voter using none
other than the following: "D" for Democrat, "R" for
30 Republican and "U" for unenrolled.

32 (1) The Secretary of State may authorize the use of
other symbols to indicate enrollment in other parties
34 formed or forming under chapter 5, subchapter I.

36 **Sec. 40. 21-A MRSA §171, sub-§2**, as enacted by PL 1985, c.
161, §6, is amended to read:

38 **2. Reference file.** When the name of a voter is removed
40 from the voting list, the registrar shall remove ~~his~~ the voter's
card from the general register and retain it in a reference file
42 for ~~10~~ 5 years.

44 **Sec. 41. 21-A MRSA §301, sub-§1, ¶D**, as enacted by PL 1985, c.
161, §6, is amended to read:

46 D. Each state party committee must file a statement with
48 the Secretary of State on or before ~~April 4th~~ March 20th
certifying that the party has held the municipal caucuses
50 required by paragraph A. The statement must be signed by

2 the party ~~chairman or his~~ chair or the chair's designated agent.

4 **Sec. 42. 21-A MRSA §302, sub-§1, ¶D**, as enacted by PL 1985, c. 161, §6, is amended to read:

6 D. The name and, address, telephone number, if published,
8 and signature of the voter or one of the group of voters who ~~file~~ files the declaration of intent.

10 **Sec. 43. 21-A MRSA §302, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

14 3. **Municipal caucuses.** The proposed party must conduct
16 municipal caucuses in at least one municipality in each of the 16
18 counties during that election year as prescribed in Article II.
The ~~chairman~~ chair of the municipal committee or a resident voter
20 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.

22 **Sec. 44. 21-A MRSA §303, sub-§1, ¶B**, as amended by PL 1991, c. 862, §3, is further amended to read:

24 B. The names, addresses and, telephone numbers, if
26 published, and signatures of the voters who file the
declaration of intent.

28 **Sec. 45. 21-A MRSA §311, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

32 2. **Time.** A municipal caucus of the Democratic Party, held
34 biennially during the general election year for the purpose of
electing delegates to a state convention and for any other
36 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.

38 **Sec. 46. 21-A MRSA §322, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

42 2. **State committee to report organization.** The chairman
44 chair and the secretary of the state committee shall certify to
the Secretary of State the platform adopted and the names of the
46 presidential electors within 60 30 days after the convention.
The ~~chairman~~ chair and the secretary of the state committee shall
48 certify to the Secretary of State the name and residence of the
~~chairman~~ chair and secretary of each committee and of each
committee member within 20 days after their election.

2 **Sec. 47. 21-A MRSA §331, sub-§3, ¶A**, as enacted by PL 1985, c.
161, §6, is amended to read:

4 A. A person may not file, whether by primary election or
6 nomination petition, as a candidate for more than one
federal, state or county office at any election, except for
8 a candidate for membership in a county charter commission or
a candidate for presidential elector under section 351,
subsection 3.

10 **Sec. 48. 21-A MRSA §335, sub-§4**, as enacted by PL 1985, c.
12 161, §6, is amended to read:

14 **4. Residence.** The voter or the circulator of the petition
16 must write or print the voter's street address and municipality
of registration. Ditto marks are permitted for street address
18 and municipality of registration only.

20 **Sec. 49. 21-A MRSA §351, sub-§3**, as enacted by PL 1985, c.
161, §6, is amended to read:

22 **3. Exception.** A candidate for membership in a county
24 charter commission must be nominated by petition, and may file as
a candidate for one additional federal, state or county office at
26 that same election. A candidate for presidential elector may
also file as a candidate for one additional federal, state or
county office at that same election.

28 **Sec. 50. 21-A MRSA §354, sub-§§1 and 4**, as enacted by PL 1985,
30 c. 161, §6, are amended to read:

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

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

48 B. The names of presidential electors must be placed on the
petition as a slate. The names of the candidates for

2 President and Vice President must be placed on a petition
3 for the nomination of presidential electors.

4 **4. Residence.** The voter or the circulator of the petition
5 must write or print the voter's street address and municipality
6 of registration. Ditto marks are permitted for street address
7 and municipality or of registration only.

8 **Sec. 51. 21-A MRSA §355, sub-§3,** as amended by PL 1995, c.
9 459, §29, is further amended to read:

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

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

25 **Sec. 52. 21-A MRSA §362,** as enacted by PL 1985, c. 161, §6,
26 is amended to read:

27 **§362. Declaration of vacancy and notice to political committee**

28 When required by this subchapter, the Governor Secretary of
29 State shall ~~issue a proclamation declaring~~ declare the vacancy,
30 ~~ordering and notify~~ the appropriate political committee ~~to fill~~
31 ~~it and setting a time and place for the committee to meet of the~~
32 deadline for filling the vacancy.

33 **Sec. 53. 21-A MRSA §363, sub-§1,** as enacted by PL 1985, c.
34 161, §6, is amended to read:

35 **1. Time and place of meeting.** The committee shall meet at
36 the time and place ~~prescribed in the Governor's proclamation~~
37 chosen by the committee.

38 **Sec. 54. 21-A MRSA §364,** as enacted by PL 1985, c. 161, §6,
39 is amended to read:

40 **§364. Candidacy by nomination petition**

2 The nomination of a candidate ~~or~~ nominee, other than by
4 party, to fill a vacancy must be made by nomination petition.
6 The nomination process shall ~~be~~ is in the same manner as provided
8 by subchapter II, except that all petitions must be filed by 5
10 p.m. on the latest ~~date~~ is established ~~in~~ the ~~Governor's~~
12 ~~proclamation~~ is ~~for~~ the ~~meeting~~ is ~~of~~ the ~~appropriate~~
~~political~~ is ~~committees~~ is ~~to~~ fill the vacancy or, where a special election is to
be held, ~~by 5 p.m. of the date specified in the proclamation for~~
filing by party candidates for the special election deadline for
filling the vacancy set by the Secretary of State pursuant to
section 362.

14 **Sec. 55. 21-A MRSA §366**, as enacted by PL 1985, c. 161, §6,
is amended to read:

16 **§366. Special elections**

18 The ~~preclamation~~ declaration of a special election must
20 specify the time and place it must be held as well as any
22 necessary filing, posting, publishing and reporting dates. A
special election must be publicized and conducted like its
regular counterpart, as nearly as practicable.

24 **Sec. 56. 21-A MRSA §371, sub-§2**, as enacted by PL 1985, c.
26 161, §6, is amended to read:

28 **2. Chosen by committee if not time.** If there is not
sufficient time to circulate a primary petition, the Secretary of
30 State shall ~~notify the Governor who shall issue a proclamation~~
declare the vacancy under section 362.

32 **Sec. 57. 21-A MRSA §372**, as enacted by PL 1985, c. 161, §6,
34 is amended to read:

36 **§372. Nominees; 60 days or more before election**

38 If a person nominated for United States Senator,
Representative to Congress or Governor at a primary election
40 dies, withdraws or becomes disqualified at least 60 days before
the general election, the ~~Governor~~ Secretary of State shall issue
42 a ~~proclamation~~ declaring declare the vacancy and ~~ordering~~ order a
special primary election under section 366.

44 **Sec. 58. 21-A MRSA §373**, as enacted by PL 1985, c. 161, §6,
46 is amended to read:

48 **§373. Nominees; less than 60 days before election**

2 If a person nominated for United States Senator,
3 Representative to Congress or Governor at a primary election or
4 by a political committee dies, withdraws or becomes disqualified
5 less than 60 days before the general election, the Governor
6 Secretary of State shall issue-a-proclamation declare the vacancy
7 under section 362.

8 **Sec. 59. 21-A MRSA §374-A, sub-§1**, as amended by PL 1993, c.
9 447, §4, is further amended to read:

10 **1. Withdrawal and replacement of nominees.** The Governor
11 Secretary of State shall issue-a-proclamation declare the vacancy
12 as provided in section 362 and a political committee may make a
13 replacement nomination following a candidate's withdrawal only if
14 a person nominated for an office, other than United States
15 Senator, Representative to Congress or Governor, at a primary
16 election or by a political committee:

17
18 A. Withdraws on or before 5 p.m. of the 2nd Monday in July
19 preceding the general election;

20
21 B. Withdraws because of a catastrophic illness that has
22 permanently and continuously incapacitated the candidate and
23 would prevent performance of the duties of the office
24 sought, provided the candidate or a member of the
25 candidate's immediate family files with the Secretary of
26 State a certificate accompanying the withdrawal request,
27 which describes the illness and is signed by at least 2
28 licensed physicians; or

29
30 C. Dies prior to the general election.

31
32 **Sec. 60. 21-A MRSA §376, sub-§§1 and 2**, as amended by PL 1991,
33 c. 466, §15, are further amended to read:

34
35 **1. Federal or gubernatorial office.** If a candidate or
36 nominee for a federal or gubernatorial office withdraws less than
37 45 60 days before any election, the Secretary of State is not
38 required to produce new ballots.

39
40 **2. Certain state offices.** The Secretary of State is
41 required to produce new ballots only if a candidate for an
42 office, other than United States Senator, Representative to
43 Congress or Governor, withdraws in accordance with section 374-A,
44 subsection 1, paragraph A, B or C, a replacement candidate is
45 nominated and a notification is filed with the Secretary of State
46 by the appropriate committee of the political party making the
47 nomination no later than 45 60 days before the election.
48

2 **Sec. 61. 21-A MRSA §§381 and 382**, as enacted by PL 1985, c.
161, §6, are amended to read:

4 **§381. State Senators**

6 When there is a vacancy in the office of State Senator, the
7 Governor Secretary of State shall ~~issue a proclamation declaring~~
8 declare the vacancy and ~~ordering order~~ a special election under
section 366.

10 1. **Nominees chosen.** He ~~The Secretary of State~~ shall ~~order~~
12 notify the appropriate political ~~committee--members--to--choose~~
13 committees of the deadline for choosing nominees and ~~shall set a~~
14 ~~time and place for them to meet.~~ The ~~committee members~~ committees
shall follow the procedure outlined in section 363.

16 **§382. Representative to Legislature**

18 When there is a vacancy in the office of Representative to
20 the Legislature, the municipal officers of any municipality
affected by the vacancy may inform the Governor Secretary of
22 State if there is a need to fill the vacancy before the next
general election, and the Governor Secretary of State shall ~~issue~~
24 ~~a proclamation declaring~~ declare the vacancy and ~~ordering order~~ a
special election under section 366.

26 1. **Nominees chosen.** He ~~The Secretary of State~~ shall ~~order~~
28 notify the appropriate political ~~committees to--choose of the~~
29 deadline for choosing nominees and ~~shall set a time and place for~~
30 ~~them to meet.~~ The ~~committees~~ shall follow the procedure outlined
in section 363.

32 **Sec. 62. 21-A MRSA §392, first ¶**, as enacted by PL 1985, c.
34 161, §6, is amended to read:

36 When there is a vacancy in the office of Representative to
Congress, the Governor Secretary of State shall ~~issue--a~~
38 ~~proclamation declaring~~ declare the vacancy and ~~ordering order~~ a
special primary election followed by a special election to fill
40 the vacancy as provided in section 366.

42 **Sec. 63. 21-A MRSA §393**, as enacted by PL 1985, c. 161, §6,
is amended to read:

44 **§393. Presidential electors**

46 Except as provided in section 804, when there is a vacancy
48 in the office of presidential elector, the Governor Secretary of
State shall ~~issue--a--proclamation~~ declare the vacancy under
50 section 362 ~~ordering and~~ notify the appropriate state committee

2 ~~to-choose~~ of the deadline for choosing a qualified person to fill
the vacancy. The procedure outlined in section 363 shall must be
followed.

4
6 **Sec. 64. 21-A MRSA §411, sub-§3**, as enacted by PL 1995, c.
154, §4, is amended to read:

8 **3. Date of primary.** The presidential preference primary
election must be held on the first Tuesday in March of the
10 presidential election year.

12 ~~This subsection is repealed January 1, 2000.~~

14 **Sec. 65. 21-A MRSA §411, sub-§4**, as enacted by PL 1995, c.
154, §4, is repealed.

16 **Sec. 66. 21-A MRSA §411-A, sub-§§2 and 3**, as enacted by PL
18 1995, c. 154, §5, are amended to read:

20 **2. Identification of contestants.** Identification of at
least 2 candidates who have declared as contestants for
22 nomination as the presidential candidate of the party; and

24 **3. Statement of intent.** A statement that the party intends
to participate in a presidential primary election. Such a
26 statement of intent is irrevocable for that particular
presidential preference primary election; and

28 **Sec. 67. 21-A MRSA §411-A, sub-§4** is enacted to read:

30 **4. Statement of enrollment qualifications.** A statement of
32 the enrollment qualifications, subject to the restrictions in
section 144, for voters eligible to vote in that party's
34 presidential preference primary.

36 **Sec. 68. 21-A MRSA §412, sub-§2**, as amended by PL 1995, c.
154, §6, is further amended to read:

38 **2. Filing fees.** A candidate for the office of president
40 who does not file a petition with the Secretary of State pursuant
to subsection 1 must pay a \$2,500 filing fee to the Secretary of
42 State. A candidate must pay the filing fee at the time that
candidate files the required written statement of intent and no
44 later than December 1st in the year next prior to the year of the
presidential preference primary. If the candidate's party does
46 not file the certification required under section 411-A by
December 1st of the year next prior to the election, the
48 candidate may request in writing and receive a refund of the
\$2,500 filing fee from the Secretary of State.

50

2 **Sec. 69. 21-A MRSA §415, first ¶**, as repealed and replaced by
PL 1995, c. 154, §8, is amended to read:

4 If a party chooses to participate in a presidential
6 preference primary election under this chapter, delegates to its
national presidential nominating convention must be allocated and
8 chosen in the following manner, except to the extent that
applicable state and national party rules specify a contrary
10 procedure ~~or for 1996 only, to the extent that the respective~~
~~state committees specify a contrary procedure.~~

12 **Sec. 70. 21-A MRSA §501, sub-§3**, as amended by PL 1995, c.
14 459, §32, is further amended to read:

16 **3. Provisions applicable to both towns and cities.** Neither
the ~~A~~ warden ~~nor, ward clerk or~~ any deputy warden may not be an
18 officer of a municipal committee of a political party. ~~Deputy~~
Ward clerks or deputy wardens shall perform the duties of the
warden when necessary and may not replace election clerks
20 prescribed by this Title. The warden, ward clerk and deputy
wardens must be registered voters of the municipality, except
22 when a nonresident clerk is acting as either warden, ward clerk
or deputy warden.

24 **Sec. 71. 21-A MRSA §502**, as amended by PL 1993, c. 447, §8,
26 is further amended to read:

28 **§502. Duties and vacancies -- warden and ward clerk**

30 In the event of a vacancy in the office of warden or in the
absence or incapacity of the warden, the ward clerk may perform
32 the duties of the warden. A vacancy in the office of ward clerk
must may be filled by an election clerk appointed by the warden.
34 ~~Except when an election to the position of ward clerk is~~
~~nonpartisan and no party affiliation is required~~ When a ward
36 clerk is elected in a partisan election, an election clerk
appointed by the warden must be enrolled in the same political
38 party as the ward clerk and shall serve as ward clerk pro tem.

40 **Sec. 72. 21-A MRSA §601, sub-§2**, as amended by PL 1993, c.
42 473, §§12 and 13 and affected by §46, is further amended to read:

44 **2. Content.** The ballot must contain the ~~things~~ items
listed in this section. ~~It may contain no others.~~

46 A. Instructions must be printed in bold type at the top of
the ballot informing the voter how to designate the voter's
48 choice on the ballot.

2 B. The ballot must contain the name, without any title, and
place of residence of each candidate, arranged
4 alphabetically with the last name first, under the proper
office designation. The name of each candidate may be
printed on the ballot in only one space.

6
8 C. When 2 United States Senators or 2 county commissioners
are to be nominated, the term of office sought by each
candidate must be specified on the ballot.

10
12 D. At the end of the list of candidates for nomination to
each office, there must be left as many blank spaces as
14 there are vacancies to be filled. These spaces may be used
by a voter to write in or paste in a sticker with the name
and municipality of residence of any person for whom he the
16 voter desires to vote, as provided in section 691,
subsection 2.

18
20 E. Words of explanation such as, "Vote for one" or "Vote
for not more than 2" must be printed on the ballot to assist
the voter in voting correctly.

22
24 F. There must be a place on the ballot for the voter to
designate the voter's choice.

26 G. ~~On the front and back of the folded ballot must be~~
~~printed "Official (name of political party) Primary Ballot~~
28 ~~for (name of voting place for which ballot was prepared)",~~
~~the date of the election, and a facsimile of the state~~
30 ~~seal.~~ There must be a heading on the ballot that contains
the title of the election, the name of the political party,
32 the name of the voting district or districts for which the
ballot was prepared, the date of the election and a
34 facsimile of the state seal.

36 H. The name of each nominee must appear on the ballot as
follows: Last last name first, in block capital letters,
38 followed by the first name and middle name or initial; or
last name first in block capital letters, followed by the
40 first name or the first initial and the middle name.

42 **Sec. 73. 21-A MRSA §601, sub-§4,** as enacted by PL 1985, c.
161, §6, is amended to read:

44
46 **4. Distinctively colored.** The ballots must be printed
separately for each political party on paper of a distinctive
48 color: White white for the party whieh that cast the greatest
number of votes for Governor at the last gubernatorial election;
yellow for the 2nd highest; blue for the 3rd highest; and green
50 for the 4th highest. The Secretary of State shall choose a

2 distinctive color for ballots for any other political party. For
3 municipalities which include more than one single member district
4 of the House of Representatives, or parts of more than one single
5 member district, the Secretary of State may prepare primary
6 election ballots of one or more distinctive colors for each
7 single member district or part thereof within the municipality.

8 **Sec. 74. 21-A MRSA §601-A, sub-§1,** as enacted by PL 1987, c.
9 797, §3, is amended to read:

10 **1. Arrangement.** The ballot must be arranged in ~~one-column~~
11 a manner that is as consistent and uniform as possible throughout
12 the State.

13 **Sec. 75. 21-A MRSA §601-A, sub-§2, ¶B,** as enacted by PL 1987,
14 c. 797, §3, is amended to read:

15 **B.** The ballot must contain the name, without any title, and
16 place of residence of each candidate, arranged
17 alphabetically with the last name first in block capital
18 letters, followed by the first name and middle name or
19 initial, or followed by the first name or first initial and
20 the middle name. The name of each candidate may be printed
21 on the ballot in only one space.

22 **Sec. 76. 21-A MRSA §601-A, sub-§2, ¶¶D and E,** as amended by PL
23 1993, c. 334, §4, are repealed and the following enacted in their
24 place:

25 **D.** There must be a place on the ballot for the voter to
26 designate the voter's choice.

27 **E.** There must be a heading on the ballot that contains the
28 title of the election, the name of the political party, the
29 name of the voting district or districts for which the
30 ballot was prepared, the date of the election and a
31 facsimile of the state seal.

32 **Sec. 77. 21-A MRSA §602, sub-§1,** as enacted by PL 1985, c.
33 161, §6, is repealed and the following enacted in its place:

34 **1. Arrangement.** The ballots must be arranged in a manner
35 that is as consistent and uniform as possible throughout the
36 State.

37 **Sec. 78. 21-A MRSA §602, sub-§2,** as amended by PL 1995, c.
38 459, §35, is further amended to read:

39 **2. Content.** The ballot must contain the ~~things~~ items
40 listed in this section. ~~It may contain no others.~~

2 A. The names of candidates for any one office may not be
4 split into more than one column regardless of number. The
6 initial letters of the last names of the candidates must be
8 printed directly beneath each other in a vertical line and
the respective party designations of each nominee must be
printed directly beneath each other in a vertical line.

10 B. The designation of the party which that the nominee
12 represents must be printed ~~to--the--right--of~~ with each
14 nominee's name, ~~properly separated from but still in line~~
with the name of the nominee. The party designation may be
abbreviated.

16 C. Instructions must be printed in bold type at the top of
18 the ballot informing the voter how to designate the voter's
choice on the ballot.

20 D. When 2 United States Senators or 2 county commissioners
22 are to be elected, the term of office sought by each nominee
must be specified on the ballot.

24 E. At the end of the list of nominees to each office, there
26 must be left as many blank spaces as there are vacancies to
28 be filled. These spaces may be used by a voter to write in
the name and municipality of residence of any person for
whom he the voter desires to vote, as provided in section
692, subsection 2.

30 F. Words of explanation such as "Vote for one" or "Vote for
32 not more than 2" must be printed on the ballot to assist the
voter in voting correctly.

34 G. There must be a place on the ballot for the voter to
36 ~~mark the ballot to~~ designate the voter's choice.

38 H. The name of each nominee must appear on the ballot as
40 follows: Last last name first, in block capital letters,
42 followed by the first name and middle name or initial; or
last name first, in block capital letters, followed by the
first name or first initial and the middle name.

44 **Sec. 79. 21-A MRSA §602, sub-§3**, as enacted by PL 1985, c.
161, §6, is repealed and the following enacted in its place:

46 3. Heading. There must be a heading on the ballot that
48 contains the title of the election, the name of the voting
district or districts for which the ballot was prepared, the date
50 of the election and a facsimile of the state seal.

2 **Sec. 80. 21-A MRSA §602, sub-§6**, as amended by PL 1993, c.
695, §24, is further amended to read:

4 **6. Size.** The Secretary of State shall determine the size
6 of the ballots. With the permission of the Secretary of State,
the clerk may make a reasonable number of enlarged ballots in
8 order to assist voters who are visually impaired. The clerk may
also make a reasonable number of enlarged instruction posters and
10 enlarged ~~specimen~~ sample ballots at the clerk's own discretion.
A voter who is visually impaired may request of the clerk an
12 enlarged ballot or an enlarged ~~specimen~~ sample ballot to assist
the voter.

14 **Sec. 81. 21-A MRSA §602, sub-§7**, as amended by PL 1995, c.
459, §36, is further amended to read:

16 **7. Contents concealed.** The ballots ~~must~~ may be folded
18 uniformly so that the interior contents are concealed, except in
municipalities using electronic tabulating systems.

20 **Sec. 82. 21-A MRSA §603**, as amended by PL 1995, c. 459, §§37
22 to 39, is further amended to read:

24 **§603. Sample ballots**

26 ~~Specimen~~ Sample ballots are governed by the following
provisions.

28 **1. Secretary of State to prepare.** The Secretary of State
30 shall prepare the ~~specimen~~ sample ballots.

32 A. The words "~~SPECIMEN SAMPLE BALLOT~~" in bold type, the
34 title and date of the election, and the name of the voting
district must be printed at the top of the ballot. The
36 facsimile of the ~~signature of the Secretary of State~~ state seal ~~must~~
not be printed on it. It must be printed
38 flat with the back blank. Otherwise, it must be printed
substantially the same as a regular ballot.

40 B. The ballot must be printed on paper of a distinctive
color.

42 **2. When furnished.** The Secretary of State shall send a
44 reasonable number of ~~specimen~~ sample ballots to the clerk for
posting, as provided in section 625, and an additional number
46 with the regular ballots.

48 **3. Available for publication.** Within a reasonable time
before the election, the Secretary of State shall make ~~specimen~~
50 sample ballots available for publication in all newspapers having

2 general circulation in the area to which the ballots pertain. A
3 single specimen sample ballot so published may carry the name of
4 each candidate for State Senator and Representative to the
5 Legislature in the area covered by the circulation of the
6 newspaper. The name of the voting district need not be printed
7 on the published specimen sample ballot.

8 **4-A. Clerk to review sample ballots.** Upon receipt, the
9 clerk shall review the specimen sample ballots for accuracy and
10 must immediately notify the Secretary of State of any errors.

12 **4-B. Duplication of sample ballots.** Specimen Sample
13 ballots may be duplicated as needed at the clerk's own discretion.
14

16 **5. Sample ballot instructions printed in French language.**
17 The Secretary of State shall prepare ballot instructions in the
18 French language, to be printed on a separate sheet of paper which
19 that may conveniently be attached to specimen sample ballots.
20 The Secretary of State shall furnish these ballot instruction
21 sheets upon request by the clerk of a municipality. ~~The number
22 of--specimen--ballot--instruction--sheets--to--be--furnished--to--a
23 municipality,--when--added--to--the--number--of--specimen--ballots--and
24 instruction--posters--in--the--English--language--to--be--furnished--to
25 that--municipality,--may--not--be--greater--than--the--total--number--of
26 specimen--ballots--and--instruction--posters--to--be--furnished--that
27 municipality,--if--specimen--ballot--sheets--printed--in--the--French
28 language--had--not--been--requested.~~

30 **Sec. 83. 21-A MRSA §604, sub-§1,** as enacted by PL 1985, c.
31 161, §6, is amended to read:

32 **1. Ballots amended.** Ballots already printed may be amended
33 by having corrective stickers added, or by some other means, as
34 directed by the Secretary of State.

36 **Sec. 84. 21-A MRSA §604-A,** as enacted by PL 1987, c. 188,
37 §5, is amended to read:

38 **§604-A. Flexibility for combining election ballots**
39

40 Notwithstanding any other provision of this Title, the
41 Secretary of State may make suitable arrangement for the printing
42 of candidate, referendum and municipal election ballots on a
43 single paper ballot or ballot card used in conjunction with
44 electronic voting systems or for the printing of candidate and
45 referendum ballots on a single ballot for paper ballot voting
46 systems. The Secretary of State may only allow such a
47 combination if he the Secretary of State finds that it is in the
48 interest of the election process and that it will not contribute
49 to voter confusion or unreasonable administrative difficulties.
50

2 **Sec. 85. 21-A MRSA §606, first ¶**, as amended by PL 1995, c.
459, §41, is further amended to read:

4
6 Within a reasonable time before any election, the Secretary
of State shall furnish each municipality with official ballots
and ~~specimen~~ sample ballots, including a sufficient number to be
8 used for testing electronic tabulating systems if applicable,
instruction posters, election return forms, posters ~~of specimen~~
10 ~~ballots~~ for constitutional resolutions and statewide referenda,
including the Attorney General's explanatory statements prepared
12 under Title 1, section 353, ~~and the summary of the proposal~~
~~prepared under section 901, subsection 5,~~ materials setting forth
14 the full text of all constitutional resolutions and statewide
referenda and other materials necessary for conducting and
16 reporting the results of the election.

18 **Sec. 86. 21-A MRSA §607, sub-§5**, as enacted by PL 1985, c.
161, §6, is amended to read:

20
22 **5. Separate ballot box for constitutional amendments and**
referenda. A municipality having 5,000 or more inhabitants,
except where the municipality uses voting machines or electronic
24 voting systems, shall, and a municipality with fewer inhabitants
may, by vote of its municipal officers, use separate ballot boxes
26 at elections for the deposit of votes on constitutional
amendments and referenda. The municipal officers must notify the
28 Secretary of State of this action ~~at least 60 days~~ before the
date of the election at which the separate ballot boxes are to be
30 used. These ballot boxes are subject to all the provisions
relating to official ballot boxes under this section. ~~They may~~
32 ~~be furnished by the Secretary of State at the expense of the~~
~~municipality.~~

34
36 **Sec. 87. 21-A MRSA §621**, as amended by PL 1995, c. 459, §46,
is repealed.

38 **Sec. 88. 21-A MRSA §621-A** is enacted to read:

40 **§621-A. Announcing an election**

42 The Secretary of State shall send a notice of election to
the municipal clerk, who shall announce the election as follows.

44
46 **1. Notice posted.** The clerk shall post or have posted a
notice of election, attested by the clerk, in a conspicuous
public place in each voting district in the municipality at least
48 7 days immediately before election day.

2 2. Notice recorded. The clerk shall record a copy of the
notice along with the times and places of posting.

4 **Sec. 89. 21-A MRSA §622**, as amended by PL 1995, c. 459, §47,
is repealed.

6 **Sec. 90. 21-A MRSA §622-A** is enacted to read:

8
10 **§622-A. Notice of election**

12 The notice of election must contain the following items: a
14 heading that states "Notice of Election" in bold type, the day,
16 date and title of the election, the voting district designation,
18 if any, the name and location of the voting place, the opening
and closing times of the polls and a list of the offices and
referendum questions for that election. The clerk may add times
for processing absentee ballots pursuant to section 759,
subsection 7.

20 **Sec. 91. 21-A MRSA §623** as amended by PL 1995, c. 459, §48,
is repealed.

22 **Sec. 92. 21-A MRSA §625**, as enacted by PL 1985, c. 161, §6,
24 is amended to read:

26 **§625. Posting of sample ballots**

28 At least 7 days before an election, the clerk shall post a
specimen sample ballot, furnished to ~~him~~ the clerk under section
30 603, in a conspicuous, public place in each voting district.

32 **Sec. 93. 21-A MRSA §626, sub-§1**, as amended by PL 1985, c.
34 580, is further amended to read:

36 **1. Opening time flexible.** ~~Except--in--municipalities--of~~
~~population--less--than--100,--the~~ The polls must be opened no earlier
38 than 6 a.m. and no later than 9 a.m. on election day; except that
in municipalities with a population of less than 4,000, the polls
40 must be opened no later than 10:00 a.m. on election day. The
municipal officers of each municipality shall determine the time
of opening the polls within these limits.

42 **Sec. 94. 21-A MRSA §626, sub-§3**, as enacted by PL 1985, c.
44 161, §6, is amended to read:

46 **3. Polling times in election notice.** The municipal
48 ~~officers~~ clerk shall state the times of opening and closing the
polls in the ~~warrant-announcing~~ notice of the election.

2 **Sec. 95. 21-A MRSA §629, sub-§4**, as corrected by RR 1995, c.
1, §9, is amended to read:

4 **4. Booth for the visually impaired.** The clerk shall equip
at least one of the voting booths at the voting place with an
6 enlarged instruction poster, a magnifying device and an
adjustable lamp for improved lighting. The clerk may also equip
8 the voting booth with an enlarged specimen sample ballot at the
clerk's own discretion.

10 **Sec. 96. 21-A MRSA §630, sub-§2, ¶B**, as amended by PL 1995, c.
12 459, §53, is further amended to read:

14 B. In municipalities in which one or more voting places are
inaccessible to handicapped voters and in which the office
16 of the clerk is in a building that is accessible as defined
in subsection 1, paragraph A, the municipal officers shall
18 designate the office of the clerk as an alternative voting
place for physically handicapped voters who reside in voting
20 districts that do not have accessible voting places. In
municipalities in which one or more voting places and the
22 office of the clerk are inaccessible to physically
handicapped voters and in which one or more voting places
24 are accessible to these voters, the municipal officers shall
designate one of these accessible voting places, as
26 centrally located as possible, as the alternative voting
place for physically handicapped voters who reside in voting
28 districts that do not have accessible voting places. A
physically handicapped voter who wishes to vote at an
30 alternative voting place must notify the clerk of the
municipality at least 48 hours before the date of any
32 election. This notice may be waived if an emergency
exists. The clerk shall keep a list of the persons who give
34 this notice.

36 Not later than 10 days before the date of any election, the
clerk shall issue a public notice designating the location
38 of the alternative accessible voting place. This notice is
not required in any municipality in which all or no voting
40 places are accessible to these persons.

42 When a physically handicapped voter votes at the office of
the clerk or at an alternative voting place, that voter
44 shall vote by absentee ballot and the method of voting must
be the same as in section 754-A. If the municipality has a
46 central voting place, then the handicapped voter may vote
there using a regular ballot for the applicable voting
48 district. If an alternative voting place is designated, the
clerk shall furnish a reasonable number of absentee ballots
50 and return envelopes to the warden. When the clerk or the

2 warden receives such a ballot, the clerk or warden shall
follow, as far as applicable, the same procedure prescribed
4 in subchapter IV for the clerk to follow in handling
absentee ballots.

6 **Sec. 97. 21-A MRSA §651, sub-§2,** as amended by PL 1991, c.
347, §3, is repealed and the following enacted in its place:

8
2. **Election materials distributed and posted.** At any time
10 after the materials are received and before the polls are open,
the clerk may open the packages or boxes of election materials,
12 break the seals on the packages not marked "ballots," and use the
materials for instructional purposes. The election officials
14 shall post one instruction poster in each voting booth and 2
instruction posters outside the guardrail where they are visible
16 to voters before they have voted. The election officials shall
also post 2 sets of sample ballots or 2 sets of sample ballot
18 labels for each ballot being used in that voting place, along
with 2 posters of the constitutional resolutions and statewide
20 referenda, outside the guardrail where they are visible to voters.

22 **Sec. 98. 21-A MRSA §651, sub-§2-B,** as enacted by PL 1991, c.
347, §4, is amended to read:

24
2-B. **Opening of ballot packages.** ~~When--the--polls--are~~
26 ~~opened,--or--no~~ No more than 1/2 hour before the opening of the
polls, the warden shall break the seals on the packages
28 containing the ballots and distribute the ballots to the election
clerks in charge of them. The breaking of the seals on the
30 packages containing the ballots is a public proceeding and any
member of the public may be present.

32
34 **Sec. 99. 21-A MRSA §651, sub-§3,** as enacted by PL 1985, c.
161, §6, is amended to read:

36 3. **Ballot box examined.** ~~The~~ Before opening the ballots,
the warden shall then open the official ballot box, examine it
38 and show publicly that it is empty. Immediately after
examination, ~~he~~ the warden shall lock the box and deliver the key
40 to the ward clerk who shall keep it until the polls are closed.
After the box has been locked, it may not be moved until the
42 polls are closed.

44 **Sec. 100. 21-A MRSA §671, sub-§4,** as enacted by PL 1985, c.
161, §6, is amended to read:

46
48 4. **Retires to voting booth.** After receiving his the ballot
or ballots, the voter shall retire to a voting booth, and mark
his the ballot or ballots without delay, ~~fold it the same as it~~

was ~~when he received it~~ and leave the voting booth. No ballot,
2 marked or unmarked, may be left in the voting booth by the voter.

4 **Sec. 101. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 1995,
c. 459, §59, is further amended to read:

6
8 A. Only the following reasons for challenges may be
accepted by the warden. The challenged person:

- 10 (1) Is not a registered voter;
- 12 (2) Is not enrolled in the proper party, if voting in
14 a primary election;
- 16 (3) Is not qualified to be a registered voter because
the challenged person is not:
- 18 (a) At least 18 years of age;
- 20 (b) A citizen of the United States; or
- 22 (c) A resident of the municipality or appropriate
24 electoral district within the municipality;
- 26 (4) Did not properly apply for an absentee ballot;
- 28 (6) Did not properly complete the affidavit on the
absentee return envelope;
- 30 (7) Did not cast the ballot or complete the affidavit
before the appropriate witness;
- 32 (8) Communicated with someone as prohibited by section
34 754-A, subsection 1, paragraph B or subsection 3,
paragraph B or D;
- 36 (9) Did not have the ballot returned to the clerk by
38 the time prescribed;
- 40 (10) Voted using the name of another; or
- 42 (11) Committed any other specified violation of this
44 Title; or
- 46 (12) Voted using the wrong ballot for the appropriate
electoral district.

48 **Sec. 102. 21-A MRSA §673, sub-§3**, as amended by PL 1995, c.
50 459, §60, is further amended to read:

2 **3. Ballot marked.** The warden shall write a number on the
3 outside of the ballot. The warden shall also complete a
4 certificate on which appears the word "Challenged," the name of
5 the voter challenged and the reason for the challenge ~~over-the~~
6 ~~voter's-signature~~. The challenger and the warden shall also sign
7 the certificate. After the challenger has signed the
8 certificate, the warden shall place the number that was written
9 on the ballot in a conspicuous place on the certificate. Only
10 the warden and the challenged voter may know the ballot number.
11 The warden shall place the challenge certificate in a sealed
12 envelope marked "Challenge Certificate #(certificate number)" and
13 shall retain the envelope until it is sealed with the ballot
14 materials pursuant to section 698.

15 **Sec. 103. 21-A MRSA §673, sub-§3-A** is enacted to read:

16 **3-A. List of challenged ballots.** The warden shall maintain
17 a list of all challenges made. The list must include the name of
18 the voter challenged, the name of the challenger and the reason
19 for the challenge. The list may not include the unique number
20 assigned to the ballot of the challenged voter. The list must be
21 made available for public inspection after the polls close.

22 **Sec. 104. 21-A MRSA §693,** as amended by PL 1995, c. 459, §63,
23 is further amended to read:

24 **§693. Spoiled ballots**

25 If a voter spoils the ballot, the voter may obtain a
26 replacement, not more than twice, by returning the spoiled ballot
27 to the election clerk in charge of issuing ballots. The warden
28 or ward clerk shall ~~mark~~ write "Spoiled by voter" on the ~~outside~~
29 ~~of--the~~ spoiled ballot, sign it and place it in an envelope
30 marked "Spoiled ballots." If a replacement ballot is issued to
31 the voter, the warden or ward clerk must also mark "Replacement
32 ballot issued" on the ~~outside-of-the~~ spoiled ballot.

33 **Sec. 105. 21-A MRSA §696, sub-§1,** as amended by PL 1993, c.
34 473, §23 and affected by §46, is further amended to read:

35 **1. Challenged ballot.** A challenged ballot must be counted
36 the same as a regular ballot. The validity of a challenged
37 ballot need not be determined unless it affects the results of an
38 election.

39 If the challenged ballot affects the result of an election, the
40 envelope containing the challenge certificate must be submitted
41 to the Supreme Judicial Court and its validity must be
42 determined, except when final determination of the election of a
43 candidate is governed by the United States Constitution. The
44

challenge--certificate--must--be--in--a--form--the--Secretary--of--State
establishes--by--rule.

4 **Sec. 106. 21-A MRSA §696, sub-§2**, as amended by PL 1995, c.
459, §6, is further amended to read:

6 **2. Defective ballot.** A ballot vote for an office,
8 candidate or question held to be defective by the warden or ward
10 clerk shall may not be counted for the that office, candidate or
question ~~affected by the defect~~, as follows.

12 A. If a voter marks more names for an office than there are
14 vacancies to be filled, his the voter's vote for that office
shall may not be counted.

16 B. If a voter marks his the voter's ballot in such a manner
18 that it is impossible to determine his the voter's choice,
his the voter's vote for the office or question concerned
20 shall may not be counted.

22 C. If a voter marks a write-in square indicator for an
24 office, but does not write both a name and a municipality of
26 residence in the blank space provided to the right of the
write-in square indicator, that vote for that office is not
counted, unless a determination of choice under subsection 4
is possible.

28 D. If a voter writes in a name and municipality of
30 residence, but does not mark the write-in square indicator,
that vote for that office shall may not be counted.

32 E. If a voter writes in a write-in square space a
34 fictitious name, the name of a deceased person or the name
of a well-known person from outside the State who could not
36 be a candidate for office, the vote for that office shall
may not be counted. A name written in this manner is not a
distinguishing mark.

38 F. The warden or ward clerk shall ~~mark~~ write "Defective" on
40 the ~~outside--of--the--defective~~ ballot, the reason for the
42 ballot ~~to--have--been--held--defective~~, defect beside the
44 office, candidate or question for which it is defective, and
shall replace the ballot with the other ballots, to be
counted for other offices or questions.

46 **Sec. 107. 21-A MRSA §696, sub-§4**, as enacted by PL 1985, c.
48 161, §6, is amended to read:

50 **4. Determination of choice possible.** If a voter marks his
the voter's ballot in a manner which that differs from the

instructions at the top of the ballot but in such a manner that
it is possible to determine the voter's choice, then the vote for
the office or question concerned shall must be counted. A mark
made on or in the square-which voting indicator that differs from
the instructions at the top of the ballot but which that clearly
indicates the voter's choice is not a distinguishing mark.

A. When a voter has clearly manifested an intention to make
a distinguishing mark, or to mark his the voter's ballot in
a manner inconsistent with an honest purpose or to act in a
fraudulent manner, then the ballot is void.

Sec. 108. 21-A MRSA §698, sub-§1, as enacted by PL 1985, c.
161, §6, is repealed and the following enacted in its place:

1. Paper ballots wrapped. The election clerks shall wrap
the tabulation of the count for each lot of ballots around that
lot and secure it. Referendum ballots must be wrapped separately
with their own tabulations unless the referendum ballot is
combined with the candidate ballot. The tabulations must be
signed by the warden and the ward clerk or deputy warden or
another election official.

Sec. 109. 21-A MRSA §722, sub-§1, as amended by PL 1993, c.
695, §30, is further amended to read:

1. How tabulated. The Secretary of State shall tabulate
all votes that appear by an election return to have been cast for
a candidate, even though the candidate's name is misspelled,
written with the candidate's initials, with wrong initials, or
otherwise, on the return. All candidates receiving less than 1%
5% of the votes cast for that office must be titled "others" when
the tabulation is processed.

Sec. 110. 21-A MRSA §751, as amended by PL 1995, c. 670, Pt.
A, §1 and affected by Pt. D, §5, is repealed and the following
enacted in its place:

§751. Proper at any election

Absentee ballots may be cast at any election by any voter.

Sec. 111. 21-A MRSA §752, sub-§1, ¶A, as amended by PL 1995,
c. 459, §70, is further amended to read:

A. At least 90-days 3 months before the election to which
they pertain, the Secretary of State shall furnish each
municipality with a reasonable number of blank absentee
ballots for use by members of the Armed Forces and citizens
outside the United States who have met the qualifications in

2 section ~~751-A~~ 751. These ballots must be similar to regular
3 ballots, except that no candidate names may be printed. The
4 Secretary of State shall prepare a ballot listing all
5 offices to be selected with a space after each office to
6 write in the voter's preference. The following instructions
7 must be printed in bold type at the top of the ballot: YOU
8 MAY VOTE FOR A PERSON BY WRITING IN THAT PERSON'S NAME AND
9 MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE
10 PROPER OFFICE.

11 **Sec. 112. 21-A MRSA §753, sub-§2**, as amended by PL 1995, c.
12 459, §72, is further amended to read:

13 **2. Request in writing.** A written request for an absentee
14 ballot from the voter, ~~the voter's spouse, a blood relative of~~
15 ~~the voter or the voter's former guardian~~ or a member of the
16 voter's immediate family is sufficient for the municipal clerk to
17 issue an absentee ballot by mail or in person to the voter or to
18 the immediate family member making the request or to a 3rd person
19 pursuant to section 753, subsection 3 who is designated in a
20 request made by the voter.

21 **Sec. 113. 21-A MRSA §753, sub-§2-A**, as amended by PL 1985, c.
22 614, §20, is further amended to read:

23 **2-A. Request by telephone.** The clerk may issue a ballot to
24 a voter without receiving an application by the following
25 procedures.

26 A. A voter may request a ballot from the clerk by telephone.

27 B. The clerk shall ask the voter for the information
28 required on the application and shall fill in the
29 application with that information, except the voter's
30 signature, and shall write "telephone request" on the
31 application.

32 C. The clerk shall verify that it is the voter who is
33 requesting the ballot by making the voter confirm the
34 voter's residence and birthdate on the general register of
35 voters.

36 D. The clerk shall mail or deliver the ballot to the voter
37 at the mailing address requested by the voter.

38 If a municipal election is to be held on the same date as a
39 statewide election, absentee ballots for the municipal and
40 statewide election may be issued in response to the same
41 application, unless the municipal ballots are not ready to issue
42 at the time the statewide ballot is available. The clerk may not
43

2 delay the issuance of a statewide absentee ballot in order to
3 include a municipal ballot pursuant to this section.

4 **Sec. 114. 21-A MRSA §753, sub-§2-B** is enacted to read:

6 **2-B. Request by facsimile.** A facsimile of a written
7 request or an absentee ballot application signed by the voter or
8 a member of the voter's immediate family is sufficient for the
9 municipal clerk to issue an absentee ballot by mail or in person
10 to the voter or to the immediate family member making the request
11 or to a 3rd person pursuant to section 753, subsection 3 who is
12 designated in a request made by the voter.

14 **Sec. 115. 21-A MRSA §753, sub-§4,** as amended by PL 1985, c.
15 357, §§10 and 19, is further amended to read:

16 **4. Assistance to certain voters.** A voter who is unable to
17 read, sign or complete his an application because of his physical
18 disability, illiteracy or religious faith, may request another
19 person, other than the voter's employer or agent of that employer
20 or officer or agent of the voter's union, to assist him the voter
21 in reading, signing or completing the application. That aide may
22 read the application to the voter or may complete the application
23 for the voter, or sign it, ~~or both,~~ according to the voter's
24 instructions, or may assist him the voter in signing the
25 application. When an aide assists a voter ~~in this way by reading~~
26 ~~or signing the application,~~ the aide must write on the
27 application that he the aide has so assisted the voter ~~in signing~~
28 ~~the application, the reason the voter was unable to complete or~~
29 ~~sign the application, or both,~~ and must sign his the aide's name.

32 **Sec. 116. 21-A MRSA §753, sub-§7,** as amended by PL 1995, c.
33 459, §74, is further amended to read:

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

2 entrance to the clerk's office or on the property on which the
3 clerk's office stands, whichever is less.

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

12 **Sec. 117. 21-A MRSA §754-A, sub-§1**, as enacted by PL 1985, c.
13 357, §§12 and 19, is amended to read:

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

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

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

25 C. After the voter has completed marking his the ballot, he
26 must the voter shall then seal the ballot in its return
27 envelope and complete the affidavit on the envelope. No
28 notary or witness certification is required.

29 D. The voter must shall then complete the address on the
30 envelope and mail it or deliver it in person to the clerk of
31 the municipality of which he the voter is a resident. He
32 must The voter shall send a completed application, if
33 necessary, in a separate envelope.

34 **Sec. 118. 21-A MRSA §759, sub-§7**, as amended by PL 1995, c.
35 459, §79, is further amended to read:

36 **7. Processing before close of polls.** A notice signed by
37 the municipal ~~officers~~ clerk must be posted at least 7 days
38 before election day in the same manner as posting the ~~warrant, or~~
39 ~~as part of the warrant~~ notice of election, under section ~~621~~
40 621-A, stating each specific time that the clerk intends to begin
41 processing absentee ballots on election day. The warden shall
42 follow the procedures required by subsections 1 to 6 to process

absentee ballots before the close of the polls. The clerk shall notify the chairs of each political party of the municipality, in writing, that this procedure is to occur. This notice must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk.

Sec. 119. 21-A MRSA §759, sub-§8, as amended by PL 1995, c. 459, §80, is further amended to read:

8. Inspection after polls close. If a candidate or that candidate's representative notifies the warden before 8:00 p.m. that the candidate or representative wishes to inspect absentee ballot applications and envelopes after the polls close, the warden shall allow the candidate or representative to inspect the applications and envelopes of ballots that have not yet been processed for 30 minutes after the polls close. If a candidate or that candidate's representative notifies the warden before the next time for processing absentee ballots as specified in the notice pursuant to subsection 7 that the candidate or representative wishes to inspect absentee ballot applications and envelopes before they are processed, the warden shall allow the candidate or representative to inspect the applications and envelopes of ballots that have not yet been processed for 30 minutes after the time specified in the notice for processing. The warden may immediately proceed to process the ballots after the candidate or representative has completed the review.

Sec. 120. 21-A MRSA §764, as amended by PL 1991, c. 466, §35, is further amended to read:

§764. Applications and envelopes as public records

Absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day, or until the ballots have been processed on election day, if the municipality processes absentee ballots before 8:00 p.m. After that time, except as provided in section 759, subsection 8, the applications and envelopes are not public records and may be inspected only in accordance with this Title.

Sec. 121. 21-A MRSA §820, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 122. 21-A MRSA §822, first ¶, as amended by PL 1995, c. 459, §91, is further amended to read:

When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk from a political party other than that of the warden. The warden shall ensure that the correct

2 ballot labels were delivered by comparing them with the specimen
3 sample ballot.

4 **Sec. 123. 21-A MRSA §852, sub-§1**, as amended by PL 1995, c.
5 459, §104, is further amended to read:

6
7 **1. Preparation for voting.** Before the polls are opened,
8 the election officials shall arrive at the polling place and
9 place the voting devices in position for voting. The officials
10 shall ensure that the devices are in proper working order and
11 that the correct ballots were delivered. They shall open and
12 check the ballots, supplies, records and forms and post the
13 specimen sample ballots and instructions to voters.

14
15 **Sec. 124. 21-A MRSA §904-A**, as enacted by PL 1993, c. 599,
16 §1, is amended to read:

17 **§904-A. Payment per signature; prohibition**

18
19 A circulator of an initiative or a referendum petition or a
20 person who causes the circulation of an initiative or referendum
21 petition may not pay or receive payment for the collection of
22 signatures if that payment is based on the number of signatures
23 collected. ~~Nothing--in--this~~ This section prohibits does not
24 prohibit a circulator of an initiative or a referendum petition
25 or a person who causes the circulation of an initiative or
26 referendum petition from paying or being paid a salary that is
27 not based on the number of signatures collected.

28
29 **Sec. 125. 21-A MRSA §1055, 2nd ¶**, as enacted by PL 1985, c.
30 161, §6, is amended to read:

31
32 ~~No~~ A person operating a broadcasting station within this
33 State may not broadcast any such communication without an oral or
34 visual announcement of the name and address of the political
35 action committee ~~which~~ that made or financed the expenditure for
36 the communication and statement that reads: "A copy of our
37 report is available from and may be viewed at the office of the
38 ~~Secretary-of-State~~ Commission on Governmental Ethics and Election
39 Practices."

40
41
42 **SUMMARY**

43
44 This bill makes minor technical changes in the election laws
45 to correct statutory references and maintain consistency with
46 changes to other sections of law. It also makes the following
47 substantive changes in election laws:
48

1. Expands the definition of "immediate family" to include
stepparents, stepchildren and step siblings;

2. Changes all references from "specimen" ballots to
"sample" ballots to reflect common usage;

3. Changes the timing of appointment of the registrar of
voters. Current law requires the municipal officers to appoint a
registrar within 10 days of the regular election of municipal
officials. This bill requires the municipal officers to appoint
the registrar on a 2-year cycle, beginning January 1st of the
off-election year;

4. Clarifies that voters with a nontraditional residence,
such as homeless voters, do not have to provide a mailing address
to be registered to vote;

5. Changes the cutoff date for mail-in voter registrations
from 15 regular days before the election to 10 business days;

6. Changes the hours that the registrar's office must be
open during the last 5 business days that the clerk's office is
open before an election. Current law requires the registrar to
be open from 1-5 p.m. and 7-9 p.m. on 3 of the last 5 days. This
bill requires that the registrar be open for 2 hours in the
evening, anytime between 5 and 9 p.m., on 3 of those days;

7. Requires the applicant's date of birth to be included in
the party enrollment and change of enrollment applications;

8. Clarifies that a voter cannot withdraw party enrollment
and enroll in a different party for 15 days after the withdrawal;

9. Changes the deadline for parties to hold their municipal
caucuses and certify them to the Secretary of State, from April
15th to March 20th;

10. Requires the chair and secretary of each state party
committee to certify their party platform and presidential
electors within 30 days, instead of 60 days, after the state
convention;

11. Allows a candidate for presidential elector to file for
one additional federal, state or county office at the same
election;

12. Streamlines the process for identifying replacement
candidates in the event of a vacancy. Under current law, the
Governor must issue a proclamation declaring the vacancy and
listing the time and location of the party caucus to select the

2 replacement candidate. This bill provides that the Secretary of
State issues a notice to the appropriate political committee
4 declaring the vacancy and setting the deadline by which the
committee must file their replacement nomination;

6 13. Allows political parties to determine who may
participate in the party's presidential preference primary;
8

10 14. Changes ballot specifications to increase consistency in
the appearance of ballots from election to election and to allow
12 for a combined candidate and referendum ballot or hand-tallied
ballots;

14 15. Changes the method of announcing an election by
replacing the warrant signed by the municipal officers with a
16 notice of election attested by the municipal clerk;

18 16. Allows a handicapped voter whose voting place is not
handicap accessible to vote either by absentee ballot in the
20 clerk's office or other location that has been designated
handicapped accessible or to vote by regular ballot at the
22 central voting place if the municipality uses a central voting
place;

24 17. Clarifies the requirements to post instruction posters,
26 sample ballots and "intent/content" posters describing statewide
referenda in the voting place;
28

30 18. Adds a reason for a voter's ballot to be challenged if
the voter was provided with the wrong ballot for that voter's
electoral district;
32

34 19. Clarifies the requirement to keep a list of challenged
voters that can be made available for public inspection after the
polls close;
36

38 20. Changes the term used to designate a space for write-in
candidates from "write-in square" to "write-in indicator" to
recognize the fact that the space may be in other shapes;
40

42 21. Increases the threshold that a write-in candidate must
receive in order to be listed on the election tabulation by name,
rather than as "other" from 1% to 5% of the vote;
44

46 22. Allows any voter to cast an absentee ballot in any
election;

48 23. Clarifies the law that allows a member of a voter's
immediate family to make a written request for an absentee ballot
50 for the voter;

2 24. Allows the voter or the voter's immediate family to
submit an absentee ballot application or written request by
4 facsimile;

6 25. Clarifies the restrictions on political activities
within 250 feet of the clerk's office during the time that
8 absentee voting is occurring, so that it is consistent with the
restrictions around the polling place on election day;

10 26. Allows a voter who receives an absentee ballot by mail
12 to return the ballot by mail or in person;

14 27. In a municipality that processes absentee ballots
before the polls close on election day, allows candidates or
16 their representatives, upon prior notification, to inspect the
applications and envelopes of absentee ballots which have not yet
18 been processed for 30 minutes after the declared processing time;
and

20 28. Prohibits initiative proponents from paying circulators
22 to collect signatures based on the number of signatures
collected. Currently, the law prohibits a circulator from being
24 paid by signature but does not clearly prohibit the organizers of
an initiative effort from making the payment.