

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 500

H.P. 375

House of Representatives, January 14, 1999

**An Act to Establish an Administrative Procedure to Hear Polling Place
Violation Complaints.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: GERRY of Auburn, NORBERT of Portland,
SNOWE-MELLO of Poland.

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

4 **Sec. 1. 21-A MRSA §675 is enacted to read:**

6 **§675. Polling place complaints**

8 A voter of any municipality may file a complaint with the
10 Commission on Governmental Ethics and Election Practices,
12 referred to in this section as the "commission," alleging
14 violation of a polling place procedure at any election in that
16 municipality.

18 1. Public hearing. The commission shall grant a public
20 hearing within 90 days after the date the complaint was filed for
22 each complaint filed by a voter. Any person involved in the
24 complaint may testify at that hearing.

26 2. Notice of hearing. The commission shall provide notice
28 to the city clerk, the election warden and the election warden
30 clerk of the municipality where the alleged polling place
32 violation took place.

34 3. Written finding of fact. The commission shall submit a
36 written finding of fact to all parties involved in the complaint
38 and to the Secretary of State within 20 days of the date of the
40 public hearing.

42 4. Notice of violation to law enforcement. If the
44 commission finds evidence of a crime as described in this
46 chapter, notification must be made to the responsible law
48 enforcement body, and any documentation and evidence of the
violation must be made available to that law enforcement body.

5. Authority to prohibit conduct; appoint an ombudsman.
If the commission determines violations occurred at a polling
place, the commission is authorized to prohibit actions by
election officials at future elections. If the violation
continues, the commission may appoint an ombudsman to oversee
future elections at the expense of the municipality.

6. Appeal. Any aggrieved party may appeal a decision of
the commission by commencing an action in the Superior Court
within 5 days of the decision and be tried without a jury within
10 days of the date of that decision. The court shall issue its
written decision containing its findings of fact and conclusions
of law and setting forth the reasons for its decision within 20
days of the date of the decision of the commission.

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SUMMARY

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This bill establishes a procedure for addressing polling place violation complaints.

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