

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 426

H.P. 334

House of Representatives, February 4, 2003

An Act To Preserve the Integrity of the Voting Process

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative THOMAS of Orono.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: Speaker COLWELL of Gardiner, DUNLAP of Old Town, DUPLESSIE of
Westbrook, NORBERT of Portland, RICHARDSON of Brunswick, TRAHAN of Waldoboro,
Senators: President DAGGETT of Kennebec, MAYO of Sagadahoc.

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

4 **Sec. 1. 21-A MRS §122, sub-§9**, as enacted by PL 1991, c. 466,
5 §4, is amended to read:

6 **9. Regulation of registration monitors.** Anyone who wishes
7 to monitor the names and addresses of persons who are registering
8 at the registrar's office or the clerk's office shall inform the
9 registrar or clerk of their intent. Anyone who wishes to monitor
10 the names and addresses of persons who are registering at the
11 polling place shall inform the registrar or clerk of that intent
12 by submitting a written, signed statement containing the proposed
13 monitor's name, address and intent. The registrar or clerk may
14 designate a place where a person monitoring registrations may
15 stand. The registrar or clerk shall then announce the name and
16 address of individuals registering to vote in a loud and clear
17 voice. A person monitoring registrations shall direct any
18 questions the person has to the registrar or clerk. These
19 questions must be limited to information pertinent to the
20 qualifications of an individual to register. A person monitoring
21 registrations may not ask questions of individuals waiting to
22 register concerning their eligibility to vote. A polling place
23 registration monitor may not handle or inspect registration
24 cards, files or other materials used by the registrar or clerk
25 except as provided in section 22. A monitor may not inhibit the
26 work of the registrar or clerk. If the work of a registrar or
27 clerk appears to be inhibited, the warden may request monitors in
28 a polling place to reduce their number. A registrar or clerk may
29 require a person monitoring registrations who violates the
30 provisions of this subsection to leave the building.

31 **Sec. 2. 21-A MRS §673, sub-§1**, as amended by PL 1997, c. 436,
32 §96, is repealed and the following enacted in its place:

33 **1. Grounds; procedure.** A challenge under this section must
34 be made to the warden in the form of a signed affidavit setting
35 forth under oath the challenger's name, address, party
36 affiliation, status as a registered voter in the municipality,
37 the name of the challenged voter, the reason for the challenge,
38 the specific source of the information or personal knowledge upon
39 which the challenge is based and a statement that the challenger
40 understands that making a false statement on the affidavit is
41 punishable under penalties of perjury. Challenges may not be
42 made on unsupported allegations or allegations by anonymous 3rd
43 parties.

44 **A.** A voter may challenge another voter only upon personal
45 knowledge or a reasonably supported belief that the
46 challenged voter is unqualified for one or more of the
47 following reasons, which are the sole grounds upon which
48 the challenge may be made.
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2 challenges may be accepted by the warden. The challenged
3 person:

4 (1) Is not a registered voter;

6 (2) Is not enrolled in the proper party, if voting in
7 a primary election;

8 (3) Is not qualified to be a registered voter because
10 the challenged person is not:

12 (a) At least 18 years of age;

14 (b) A citizen of the United States; or

16 (c) A resident of the municipality or appropriate
18 electoral district within the municipality;

20 (4) Did not properly apply for an absentee ballot;

22 (6) Did not properly complete the affidavit on the
23 absentee return envelope;

24 (7) Did not cast the ballot or complete the affidavit
25 before the appropriate witness;

26 (8) Communicated with someone as prohibited by section
28 754-A, subsection 1, paragraph B or subsection 3,
29 paragraph B or D;

30 (9) Did not have the ballot returned to the clerk by
32 the time prescribed;

34 (10) Voted using the name of another;

36 (11) Committed any other specified violation of this
37 Title; or

38 (12) Voted using the wrong ballot for the appropriate
40 electoral district.

42 B. Registration of a person as a voter without challenge
43 from the registrar or clerk is presumptive evidence of the
44 person's right to vote. Any doubt in the interpretation of
45 the law must be resolved in favor of the challenged voter.

46 **Sec. 3. 21-A MRSA §673, sub-§§5 and 6 are enacted to read:**
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2 2. Requires a person challenging another person's right to
vote to file an affidavit listing the reason for the challenge
4 and the source of the reason;

6 3. Requires voting by others to continue while a challenge
is pending; and

8 4. Makes it a Class E crime to challenge a qualified and
10 registered voter for the purpose of annoying or delaying that
voter.

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