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.

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

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

- Regulation of registration monitors. Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of their intent. Anyone who wishes to monitor the names and addresses of persons who are registering at the polling place shall inform the registrar or clerk of that intent by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear A person monitoring registrations shall direct any questions the person has to the registrar or clerk. questions must be limited to information pertinent to qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. A polling place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22. A monitor may not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to be inhibited, the warden may request monitors in a polling place to reduce their number. A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.
- Sec. 2. 21-A MRSA §673, sub-§1, as amended by PL 1997, c. 436, §96, is repealed and the following enacted in its place:
 - 1. Grounds; procedure. A challenge under this section must be made to the warden in the form of a signed affidavit setting forth under oath the challenger's name, address, party affiliation, status as a registered voter in the municipality, the name of the challenged voter, the reason for the challenge, the specific source of the information or personal knowledge upon which the challenge is based and a statement that the challenger understands that making a false statement on the affidavit is punishable under penalties of perjury. Challenges may not be made on unsupported allegations or allegations by anonymous 3rd parties.

A. A voter may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified for one or more of the following reasons, which are the sole grounds upon which

2	challenges may be accepted by the warden. The challenged
2	person:
4	(1) Is not a registered voter;
6	(2) Is not enrolled in the proper party, if voting in
8	a primary election;
10	(3) Is not qualified to be a registered voter because 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;
10	(4) Did not properly apply for an absentee ballot;
20	(6) Did not properly complete the affidavit on the
22	absentee return envelope;
24	(7) Did not cast the ballot or complete the affidavit
26	before the appropriate witness;
	(8) Communicated with someone as prohibited by section
28	754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;
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32	(9) Did not have the ballot returned to the clerk by the time prescribed;
34	(10) Voted using the name of another;
36	(11) Committed any other specified violation of this
38	Title; or
	(12) Voted using the wrong ballot for the appropriate
40	electoral district.
42	B. Registration of a person as a voter without challenge from the registrar or clerk is presumptive evidence of the
44	person's right to vote. Any doubt in the interpretation of 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. Voting during pendency of chartenge. Builing the
2	pendency of a challenge, other voters must be given ballots and permitted to vote.
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б	6. Regulation of challengers and challenges. A person challenging the right of another person to vote may not create a
8	disturbance or obstruction and may not unreasonably prolong any challenge or inquiry.
10	A. A challenger other than a registrar, clerk or other election official may not handle or inspect registration
12	cards or files or other materials used by the registrar or
14	clerk except as provided in section 22.
16	B. A challenger may not make a challenge indiscriminately and without good cause.
18	The warden shall caution challengers concerning the provisions of
20	this subsection. If the challenger persists in disturbing or obstructing the process, or if challenging results in a delay sufficient to cause voters to forgo voting because of
22	insufficient time or fear of intimidation, the warden may, upon
24	reasonable complaint or upon the warden's own initiative, eject the responsible challenger.
26	Sec. 4. 21-A MRSA $\S674$, sub- $\S1$, $\P\PC$ and D, as repealed and replaced by PL 1993, c. 473, $\S18$ and affected by $\S46$, are amended
28	to read:
30	C. Assists or offers to assist another person at the voting place in marking that other person's ballot, unless the
32	person has been requested to do so by the warden or ward clerk; ex
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36	D. Shows that person's marked ballot to another with the intent to reveal how that person voted.; or
38	Sec. 5. 21-A MRSA $\S674$, sub- $\S1$, \PG is enacted to read:
40	G. Challenges a qualified and registered voter of a municipality for the purpose of annoying or delaying that
42	voter.
44	SUMMARY
46	This bill:
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50	 Allows persons to monitor other persons registering to vote at the polls;

- 2 2. Requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the reason;
- 6 3. Requires voting by others to continue while a challenge is pending; and
- 4. Makes it a Class E crime to challenge a qualified and registered voter for the purpose of annoying or delaying that voter.

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