

# MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 322, L.D. 981, Bill, "An Act To Ensure Segregation of Spoiled Ballots"

Amend the bill by striking out the title and substituting the following:

'An Act To Ensure Segregation of Spoiled, Defective and Void Ballots'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 21-A MRSA §693, as amended by PL 1997, c. 436, §99, is further amended to read:

§693. Spoiled ballots

If a voter spoils the a ballot, the voter may obtain a replacement, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots. The warden or ward clerk or deputy warden shall write "Spoiled by voter" on the spoiled ballot, and sign it and place it in an envelope marked "Spoiled ballots." If a replacement ballot is issued to the voter, the warden or ward clerk must or deputy warden shall also mark "Replacement ballot issued" on the spoiled ballot. The election official shall then segregate the spoiled ballot with any other spoiled ballots in an envelope labeled "Spoiled ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State

shall provide the clerk of each municipality with either a label and instructions on proper handling of spoiled ballots or a special envelope printed with this label and instructions.

Sec. 2. 21-A MRSA §696, sub-§3, ¶B, as amended by PL 2001, c. 310, §40, is further amended to read:

B. The warden, ward clerk or deputy warden shall write "Defective ballot" ~~on the ballot~~ and the reason that the ballot is defective on the ballot and shall sign it ~~and keep it segregated from the other ballots.~~ The election official shall then segregate the defective ballot with any other defective ballots in an envelope labeled "Defective ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of defective ballots or a special envelope printed with this label and instructions.

Sec. 3. 21-A MRSA §696, sub-§5, ¶B, as enacted by PL 2001, c. 310, §42, is amended to read:

B. The warden, ward clerk or deputy warden shall write "Void ballot" ~~on the ballot~~ and the reason that the ballot is void on the ballot and shall ~~keep it segregated from the other ballots~~ sign it. The election official shall then segregate the void ballot with any other void ballots in an envelope labeled "Void ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of void ballots or a special envelope printed with this label and instructions.'

SUMMARY

This amendment replaces the bill and requires that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. The Secretary of State shall provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

FISCAL NOTE REQUIRED  
(See attached)

Approved: 05/07/03 *mac*

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 981**

**An Act To Ensure Segregation of Spoiled, Defective and Void Ballots**

**LR 1025(02)**

**Fiscal Note for Bill as Amended by Committee Amendment *A'S-629***

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund