

MAINE STATE LEGISLATURE

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DATE: 5-19-03

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 492, L.D. 1486, Bill, "An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the federal Help America Vote Act of 2002, HAVA, requires Maine to adopt rules establishing an administrative complaint procedure to address grievance concerning Title III of HAVA; and

Whereas, such rules must be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by inserting after section 15 the following:

'Sec. 16. 21-A MRSA §222 is enacted to read:

COMMITTEE AMENDMENT

2 **§222. Rule-making authority**

4 The Secretary of State is authorized to adopt rules
6 establishing an administrative procedure for handling complaints
8 relating to compliance with the provisions of Title III of the
10 federal Help America Vote Act of 2002. Rules adopted pursuant to
12 this section are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.'

16 Further amend the bill by inserting after section 17 the
18 following:

20 'Sec. 18. 21-A MRSA §673, sub-§5 is enacted to read:

22 5. Challenged ballots relating to court order. In an
24 election for federal office, if a federal or state court has
26 issued an order extending the time established for closing the
28 polls, any ballots cast during the period of that extension must
30 be challenged according to this section, segregated and counted
32 separately from all regular and challenged ballots cast during
34 the normal polling hours.'

36 Further amend the bill by inserting after section 20 the
38 following:

40 'Sec. 21. 21-A MRSA §753-A, sub-§1, as enacted by PL 1999, c.
42 645, §6, is amended to read:

44 1. Applications available. On request, the clerk shall
46 furnish a reasonable number of absentee ballot applications to
48 any person, except that an application may not be furnished more
50 than 3 months before the election for which the application will
be used. This subsection does not apply to a uniformed service
voter or an overseas voter who requests an absentee ballot under
this subchapter.'

Further amend the bill by striking out all of section 28 and
inserting in its place the following:

'Sec. 28. 21-A MRSA §780, as enacted by PL 1985, c. 161, §6,
is repealed and the following enacted in its place:

§780. Absentee ballots; application

A uniformed service voter or an overseas voter may request
an absentee ballot as provided in section 753-A or by submitting
a federal application or form requesting an absentee ballot.
With respect to any election for federal office, a clerk may not
refuse to accept or process any otherwise valid voter

2 registration application or absentee ballot application submitted
3 by a uniformed service voter or an overseas voter on the grounds
4 that the voter submitted the application more than 3 months
5 before the election for which the application will be used. An
6 application or request for an absentee ballot for a uniformed
7 service voter or overseas voter that is accepted pursuant to
8 section 753-A remains valid through the next 2 regularly
9 scheduled general elections for federal office and entitles the
10 voter to receive absentee ballots for all elections during that
11 period.

12 **Sec. 29. 21-A MRSA §780-A is enacted to read:**

14 **§780-A. Use of blank write-in absentee ballot**

16 Prior to the time when regular absentee ballots are
17 available, if an applicant requests a blank write-in absentee
18 ballot or indicates that it takes more than 6 weeks to receive
19 and return mail to the applicant's location, the clerk shall send
20 a blank write-in absentee ballot to the voter. Once the regular
21 absentee ballots become available, the clerk shall issue a
22 regular absentee ballot in response to any request under this
23 section. If the clerk has issued a blank write-in absentee
24 ballot to a voter before the regular absentee ballots become
25 available, the clerk may send a regular absentee ballot to the
26 voter, following the procedures for issuing a 2nd absentee ballot
27 under section 753-B.'

28
29 Further amend the bill by inserting at the end before the
30 summary the following:

31 **'Emergency clause.** In view of the emergency cited in the
32 preamble, this Act takes effect when approved.'

33
34 Further amend the bill by relettering or renumbering any
35 nonconsecutive Part letter or section number to read
36 consecutively.

37

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40 **SUMMARY**

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42 This amendment makes the bill an emergency, and provides the
43 Secretary of State with the necessary rule-making authority to
44 adopt rules establishing the administrative complaint procedure
45 required under Section 402 of the federal Help America Vote Act
46 of 2002, HAVA. These rules need to be in effect by the September
47 30, 2003 certification deadline of Maine's initial state plan
48 required under Section 254 of HAVA.

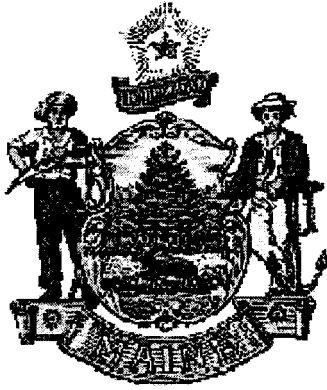
49
50 This amendment replaces the section in the bill regarding

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2 absentee ballot applications for uniformed service voters and
overseas voters. The new section states that an absentee ballot
4 application is valid even if it is received more than 3 months
prior to an election for a federal office and that the
6 application is valid for the next 2 regularly scheduled elections
for federal office. The amendment adds a new section to the bill
8 that states that, if the courts have issued an order extending
the time to close the polls, any ballots cast during that
10 extended period must be challenged, segregated and counted
separately from all other ballots. The amendment also adds a new
12 section regarding the use of blank write-in absentee ballots for
uniformed service voters and overseas voters.

Approved: 05/16/03 *MAC*

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



LD 1486

**An Act to Comply with Federal Election Laws Including the Help
America Vote Act of 2002**

LR 1938(02)

Fiscal Note for Bill as Amended by Committee Amendment *AS-178*

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

No fiscal impact to State funds.