## MAINE STATE LEGISLATURE

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## 121st MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2004**

**Legislative Document** 

No. 1755

H.P. 1277

House of Representatives, December 22, 2003

## An Act To Amend the Election Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland MILLICENT M. MacFARLAND Clerk

Presented by Representative CLARK of Millinocket. Cosponsored by Senator: MAYO of Sagadahoc.

	Be	it	enacted	by	the	Peo	ple	of	the	State	of	Maine	as	follows
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Sec. 1. 21-A MRSA §22, sub-§§5 and 6 are enacted to read:

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- 5. Signature and identification number of registered voter. Notwithstanding subsection 1 and Title 1, section 408, the voter's signature and identification number on the voter registration application and associated records are designated as nonpublic records and the registrar shall exclude those items from public inspection.
- 6. Disclosure of voter's signature and identification number. A voter's signature and identification number that are excluded from public inspection pursuant to subsection 5 may be made available for inspection only to the voter of record, to municipal and state election officials, to a law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

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- Sec. 2. 21-A MRSA §23, sub-§1, as amended by PL 2001, c. 310, §3, is further amended to read:
- 1. Registration and enrollment applications. The registrar shall keep registration and enrollment applications and requests and all documentation of changes in registration and enrollment as part of each active or inactive voter's permanent registration record, except that those records must be kept only 5 2 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and 162-A.
  - Sec. 3. 21-A MRSA §122, first  $\P$ , as amended by PL 2003, c. 407,  $\S$ 7, is further amended to read:

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- A person may register as a voter by appearing before the registrar, proving that the person is-qualified-under meets the qualifications of section 111, subsections 1 to 3, and filing an application provided by the registrar containing the information required by section 172 152 or 154, if applicable. Township residents may register as provided in section 156.
- Sec. 4. 21-A MRSA §503, sub-§2, ¶C, as amended by PL 2001, c. 310, §28, is further amended to read:

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C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A-student election—clerk—may—not—assist—a—voter—unless—the—veter specifically—requests—assistance—from—the—student—election

elerk. A student election clerk may perform all the functions of an election clerk as prescribed by this Title.

Sec. 5. 21-A MRSA §601, sub-§2, ¶D, as amended by PL 2001, c. 310, §29, is further amended to read:

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D. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in or paste a sticker with the name and municipality of residence of any person for whom the voter desires to vote, as provided in section 691, subsection 2 for a primary election or section 692, subsection 2 for a general election. For the presidential preference primary election ballot only, at the end of the list of eandidates for nomination there must be printed the word "uncommitted" in such a way that a voter may choose this preference rather than a listed candidate. After the "uncommitted" eption, there may not be any blank spaces left where a voter could write in the name of any person for whom a voter desires to voter

Sec. 6. 21-A MRSA §601, sub-§2, ¶H, as amended by PL 1997, c. 436, §67, is further amended to read:

 H. The name of each nominee must appear on the ballot as follows: last name first, -- in--block -- capital --letters, followed by the first name and middle name or initial; or last name first in-block -- capital -- letters, followed by the first name or the first initial and the middle name.

Sec. 7. 21-A MRSA §621-A, sub-§1, as enacted by PL 1997, c.

- 1. Notice posted. The clerk shall post or have posted a notice of election, attested by the clerk, in a conspicuous public place in each voting district in the municipality at least
- 7 days immediately before election day and at each voting place on election day.

436, §83, is amended to read:

Sec. 8. 21-A MRSA §651, sub-§2-B, as amended by PL 1997, c. 436, §93, is further amended to read:

2-B. Opening of ballot packages. No more than 1/2 one hour before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the election clerks in charge of them. The breaking of the seals on the packages containing the ballots is a public proceeding and any member of the public may be present.

2	Sec. 9. 21-A MRSA §671, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:
4	2. Enters quardrail enclosure. The election clerk in
	charge of the incoming voting list shall place a check mark or a
6	horizontal line, in red ink, on the list beside the voter's name and allow him the voter to enter the area enclosed by the
8	guardrail.
10	Sec. 10. 21-A MRSA §698, sub-§5, ¶A, as amended by PL 1993, c. 473, §26 and affected by §46, is further amended to read:
12	A. The portions of subsection 1, paragraph A, and
14	subsections 2-A and 2-B that deal with absentee ballots do not apply to municipalities with 2 or more voting districts
16	where absentee ballots are counted separately.
18	CHINANA A DAV
20	SUMMARY
22	This bill designates a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that will be
24	available for inspection only by certain persons.
26	The bill decreases from 5 years to 2 years the time that voter registration records must be kept for a voter whose name
28	has been removed from the voting list.
30	The bill clarifies that voters who register in person before the municipal registrar of voters must complete an application
32	that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154.
34	The bill removes the restriction that a student election
36	clerk may assist a voter only if the voter specifically requests assistance from the student election clerk.
38	The bill removes obsolete language specifying the format of
40	the write-in spaces for a presidential preference primary ballot and deletes the requirement that nominees' names must appear on a
42	ballot in block capital letters.
44	The bill adds a requirement that the notice of election must be posted at the polls on election day, in compliance with the
46	federal Help America Vote Act of 2002.
48	The bill allows the election officials to open the packages of official ballots one hour before the polls open, instead of
50	the 1/2 hour that is currently specified.

The bill clarifies that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted.

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The bill removes an obsolete reference to a repealed provision of law.