MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
http://legislature.maine.gov/lawlib

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "**A**" to H.P. 768, L.D. 1115, Bill, "An Act To Facilitate Voting by Participants in the Address Confidentiality Program"

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

'**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by inserting after the enacting clause and before section 1 the following:

'**Sec. 1. 21-A MRSA §1, sub-§21,** as enacted by PL 1985, c. 161, §6, is amended to read:

21. Incoming voting list. "Incoming voting list" means the list of all of the voters in a municipality which that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots and

COMMITTEE AMENDMENT

absentee ballots; and any special designations indicating
uniformed service voters, overseas voters or township voters. The
portion of the incoming voting list relating to Address
Confidentiality Program participants must be kept under seal and
excluded from public inspection.'

Further amend the bill by striking out all of sections 3 and
5.

Further amend the bill by striking out all of section 6 and
inserting in its place the following:

'**Sec. 6. 21-A MRSA §172,** as enacted by PL 2003, c. 407, §13,
is amended to read:

§172. Voter registration file

The registrar shall prepare and keep a voter registration
file containing the voter registration documents for each voter
on--the--voting--list in the central voter registration system,
arranged alphabetically by the last name of each voter, except
that any voter certified by the Secretary of State as a program
participant in the Address Confidentiality Program pursuant to
Title 5, section 90-B must be listed on voter registration
documents only by the voter code assigned to that voter under the
program and these documents must be placed at the end of the
alphabetized voter file. The file must contain an original,
signed voter registration application for each voter, with all
associated applications containing changes of name, address or
enrollment and any documentation concerning these applications or
the qualifications for these voters. Information in the file
pertaining to any voter certified by the Secretary of State as a
program participant in the Address Confidentiality Program must
be kept under seal and excluded from public inspection. When the
name--of--a--voter--is--removed a voter's registration is cancelled
from the voting--list central voter registration system, the
registrar shall indicate on the voter's registration documents
the date that the voter's name registration was removed-from-the
list cancelled and retain the documents for 5 years, either in
the same file, or in a separate file. The registrar must retain
the voter registration documents for each rejected voter in a
separate file for the time period specified in section 23.

Sec. 7. 21-A MRSA §191, sub-§4 is enacted to read:

4. Address confidentiality component. For the purposes of
generating an incoming voting list, the central voter
registration system must be capable of being sorted so that the
Address Confidentiality Program voter codes and the address

COMMITTEE AMENDMENT

2 assigned each voter by the program appear at the end of the alphabetized list and are printed on a separate page of the list.

4 **Sec. 8. 21-A MRSA §753-B, sub-§6,** as amended by PL 2003, c. 407, §§24 and 25, is further amended to read:

6

6. Clerk to keep list of absentee voters. The clerk shall
8 keep create and maintain, in the central voter registration system, an alphabetical list, by district, of the persons who
10 requested or were furnished absentee ballots, including the persons who voted in the presence of the clerk under subsection 8
12 and the persons whose ballots were issued to a 3rd person under subsection 1. The clerk shall maintain a copy of the lists
14 required under this subsection for a period of 2 years as a public record.
16

A. The list of absentee voters must include each voter's
18 name, residence address, voting district and party affiliation; the date and manner by which the ballot was
20 requested, issued and received; a notation of whether the application and the ballot were accepted or rejected; and a
22 place for the registrar to certify the voter registration status of the absentee voters. The clerk must also indicate
24 on the list when the absentee voter is a uniformed service voter or, overseas voter or township voter. By the time
26 that all absentee ballots have been processed on election day, the clerk must update the central voter registration
28 system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the
30 polls on election day, including a notation of whether the ballots were accepted or rejected and the reasons for such
32 rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available
34 for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant
36 to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by
38 the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee
40 voters must be sorted so that the program participants appear at the end of the list and must be printed on a
42 separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program
44 participants must be kept under seal and excluded from public inspection.
46

B. The clerk shall submit this list of absentee voters to
48 the registrar for certification of the registration status and, when applicable, the enrollment status of the voters.
50 The registrar shall certify the list either before or as

COMMITTEE AMENDMENT

soon as possible after the ballot is issued to the voter. The certifications must be completed before the absentee ballots may be processed and cast on election day.

C. The clerk shall also keep a list of the 3rd persons designated in applications or written requests to whom absentee ballots are sent or delivered under subsection 1 and of the number of absentee ballots sent or delivered to them. This list of 3rd person ballot carriers must include telephone numbers for contacting the 3rd persons.

~~D. Within 20 days after each election, the clerk shall send a report to the Secretary of State stating the total number of absentee ballots issued to absentee voters in the municipality for that election. The report must further identify the number of ballots that were issued to uniformed service voters and overseas voters, respectively. For each category of absentee voters, the report must include the number of ballots that were returned by the voters and were processed and cast in the election.~~

E. Within 10 business days after each election, the clerk shall update the central voter registration system to include the changes required by paragraph A. The clerk also must update the central voter registration system to reflect any absentee ballots received after the polls have closed on election day by changing the rejection reason. When all updates have been made in the central voter registration system, the clerk shall certify this to the Secretary of State and make a final list of absentee ballots available for public inspection.'

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

SUMMARY

This amendment clarifies that the addresses of voters certified as participants in the Address Confidentiality Program contained in files or lists pertaining to registered voters are kept under seal and protected from public inspection. This amendment includes a mandate preamble.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

122nd MAINE LEGISLATURE

LD 1115   LR 2072(02)

An Act To Facilitate Voting by Participants in the Address Confidentiality Program

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Exempted State Mandate

State Mandate

New or Expanded Activity	Unit Affected	Costs
Requiring that municipalities provide certain voting-related services to those individuals participating in the Address Confidentiality Program represents a state mandate. The costs are mostly clerical, will depend on the number of program participants and are not expected to be significant. Pursuant to the mandate preamble, an affirmative vote of two thirds of the members elected to each House exempts the State from the requirement to pay 90% of the costs of these requirements.	Municipality	Minor