

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1115

H.P. 768

House of Representatives, March 1, 2005

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

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CANAVAN of Waterville.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: ADAMS of Portland, DAVIS of Falmouth, GROSE of Woolwich, HOTHAM
of Dixfield, HUTTON of Bowdoinham, NASS of Acton, SMITH of Monmouth, Senator:
HOBBINS of York.

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

4 **Sec. 1. 21-A MRSA §22, sub-§3.** as enacted by PL 1997, c. 248,
§1, is amended to read:

6 **3. Address of registered voter.** Notwithstanding subsection
8 1 and Title 1, section 408, if a registered voter ~~submits to the~~
10 ~~registrar a signed statement that the voter has good reason to~~
12 ~~believe that the physical safety of the voter or a member of the~~
14 ~~voter's family residing with the voter would be jeopardized if~~
16 ~~the voter's address were open to public inspection, that voter's~~
18 ~~address is not a public record and the registrar shall exclude~~
20 ~~that voter's address is certified by the Secretary of State as a~~
program participant in the Address Confidentiality Program
pursuant to Title 5, section 90-B, all records maintained by the
registrar pertaining to that voter must be kept confidential and
must be excluded from public inspection. ~~The voter's name,~~
~~political party affiliation and electoral division remain a~~
~~public record. The voter's signed statement is also a public~~
~~record.~~

22 **Sec. 2. 21-A MRSA §22, sub-§4,** as enacted by PL 1997, c. 248,
24 §1, is repealed.

26 **Sec. 3. 21-A MRSA §22, sub-§5,** as enacted by PL 2003, c. 584,
§1, is amended to read:

28 **5. Signature and identification number of registered**
30 **voter.** Notwithstanding subsection 1 and Title 1, section 408,
32 the voter's signature and identification number on the voter
34 registration application and associated records in electronic
36 format are designated as nonpublic records and the registrar
38 shall exclude those items from public inspection. ~~Voter~~ Except
for those voters who are certified as program participants in the
Address Confidentiality Program pursuant to Title 5, section
90-B, voter signatures on voter registration applications and
associated records in a printed hard-copy format are public
records in accordance with subsection 1 and Title 1, section 408.

40 **Sec. 4. 21-A MRSA §122-A** is enacted to read:

42 **§122-A. Alternative registration procedure for participants in**
44 **Address Confidentiality Program**

46 Notwithstanding sections 122 and 152, a person who is
48 certified by the Secretary of State as a program participant in
the Address Confidentiality Program pursuant to Title 5, section
90-B may register to vote using the designated address and voter
code assigned to that person pursuant to rules adopted to
50 implement the program. To register to vote,

2 a voter must present the registrar with that voter's
3 authorization card assigned to the voter pursuant to rules
4 adopted by the Secretary of State showing that voter's name,
5 voter code, designated address and certification expiration
6 date. The registrar may contact the Address Confidentiality
7 Program administrator in the Secretary of State's office to
8 determine the voter's eligibility to register in the municipality
9 and to verify the electoral district in which the voter is voting
10 for purposes of issuing an absentee ballot to the voter pursuant
11 to section 753-C. All registration records for such voters must
12 be designated as confidential and kept sealed in the registrar's
13 office. The name of any voter certified as a program participant
14 in the Address Confidentiality Program may not be placed on any
15 voter list that is available for public inspection or copying.

16 **Sec. 5. 21-A MRSA §161, sub-§1**, as amended by PL 1997, c. 436,
17 §39, is further amended to read:

18
19 **1. List prepared.** The registrar shall prepare a printed or
20 typewritten list of all the voters of the municipality, arranged
21 alphabetically by last name. The list must include the street
22 address of each voter beside the voter's name, mailing address
23 and zip code number. A voter certified as a program participant
24 in the Address Confidentiality Program pursuant to Title 5,
25 section 90-B must be listed by the voter code assigned to that
26 voter under the program instead of by the voter's name and
27 address and must be sorted to appear at the end of the
28 alphabetized list. The portion of the voter list relating to
29 Address Confidentiality Program participants must be kept under
30 seal and excluded from public inspection. In a municipality
31 covered by only one zip code, the registrar may print or type the
32 zip code at the top of each page of the voting list. In a
33 municipality which that has voting districts, the registrar shall
34 make a separate list for each district.

35 A. Except as provided in subparagraph (1), the registrar
36 shall note the enrollment status of each voter using none
37 other than the following: "D" for Democrat, "R" for
38 Republican and "U" for unenrolled.

39
40 (1) The Secretary of State may authorize the use of
41 other symbols to indicate enrollment in other parties
42 formed or forming under chapter 5, subchapter I 1.

43
44 **Sec. 6. 21-A MRSA §172**, as enacted by PL 2003, c. 407, §13,
45 is amended to read:

46
47 **§172. Voter registration file**

2 The registrar shall prepare and keep a voter registration
4 file containing the voter registration documents for each voter
6 on the voting list, arranged alphabetically by the last name of
8 each voter, except that any voter certified by the Secretary of
10 State as a program participant in the Address Confidentiality
12 Program pursuant to Title 5, section 90-B must be listed only by
14 the voter code assigned to that individual under the program and
16 placed at the end of the alphabetized voter list. The file must
18 contain an original, signed voter registration application for
20 each voter, with all associated applications containing changes
22 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 pursuant to Title 5, section 90-B must be
kept under seal and excluded from public inspection. When the
name of a voter is removed from the voting list, the registrar
shall indicate on the voter's registration documents the date
that the voter's name was removed from the list and retain the
documents for 5 years, either in the same file, or in a separate
file.

24 **Sec. 7. 21-A MRSA §753-C** is enacted to read:

26 **§753-C. Absentee ballots for program participants in Address
28 Confidentiality Program**

30 Any registered voter who is certified by the Secretary of
32 State as a program participant in the Address Confidentiality
34 Program pursuant to Title 5, section 90-B is entitled to receive
36 an absentee ballot for every election during the period of the
38 voter's participation in the program. The clerk shall mail the
40 absentee ballot to the voter at the voter's designated address as
42 soon as possible after the regular ballots are available in the
44 municipality. The voter shall mark the absentee ballot in
accordance with the procedures set forth in section 754-A and
shall return the ballot to the registrar in the manner provided
in section 754-A, except that the voter may sign the voter's
voter code under the Address Confidentiality Program on the
absentee ballot envelope instead of the voter's name.

46 **Sec. 8. 21-A MRSA §754-A, first ¶**, as amended by PL 1999, c.
48 645, §7, is further amended to read:

50 Except as provided in section 753-B, subsection 8 and
section 753-C, the method of voting by absentee ballot is as
follows.

SUMMARY

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4 This bill would facilitate voting by individuals who are
6 participating in the Address Confidentiality Program established
8 pursuant to the Maine Revised Statutes, Title 5, section 90-B by
10 allowing them to use their designated addresses when registering
12 to vote and by ensuring that their names would not appear on any
14 voting list made available to the public. All voter registration
16 records pertaining to such voters would be confidential and
maintained by registrars of voters under seal. These voters
would be entitled to receive absentee ballots in the mail for
every election during the period of their participation in the
Address Confidentiality Program. They would be allowed to place
their Address Confidentiality Program voter codes on the absentee
ballot envelopes in lieu of their names and addresses to protect
the confidentiality of their places of residence.