

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>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Handwritten initials "BOS" with a flourish above it.

L.D. 1266

DATE: 6-7-05

(Filing No. S- 340)

LEGAL AND VETERANS AFFAIRS

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT A to S.P. 446, L.D. 1266, Bill, "An Act To Ensure Integrity in the Voting Process"

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

'An Act Regarding Distribution of Information from the Central Voter Registration System'

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 §196 is enacted to read:

§196. Use and distribution of central voter registration information

For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any printed reports generated by the system that contain both the name of a voter and that voter's voter identification or voter record number are confidential and may be accessed only by municipal and state election officials except as provided in this section.

1. Individual voter records. An individual voter may obtain a copy of any information contained in that voter's record

COMMITTEE AMENDMENT



2 within the central voter registration system either from the
3 registrar in the voter's municipality of residence or from the
4 Secretary of State. The following information must be made
5 available to the individual voter upon request and free of
6 charge: the voter's name, residence address, mailing address,
7 enrollment status, electoral district, date of birth, voter
8 record number, signature and voter status and any voter
9 identification numbers; the last election in which the voter
10 participated; any designation that the voter cast a challenged or
11 absentee ballot in the last election; and any special designation
12 indicating whether the voter is a uniformed service voter, an
13 overseas voter or township voter. The voter may obtain copies of
14 any additional information in the voter's registration record
15 within the central voter registration system for a fee of \$1 for
16 the first page and 25¢ per page for any additional pages.

17 2. Voter lists or reports identifying voters. A person may
18 purchase a list or report of voter information containing some or
19 all of the information from the central voter registration system
20 by making a request to the Secretary of State or to a municipal
21 registrar if the information requested concerns voters in that
22 municipality. The Secretary of State or the municipal registrar
23 shall make available the following information, subject to the
24 fees set forth in subsection 4 and the restrictions on use and
25 redistribution of data set forth in subsection 7: the voter's
26 name, residence address, mailing address, date of birth,
27 enrollment status, electoral district, voter status, voter
28 participation in previous elections including whether the voter
29 cast a challenged or absentee ballot and voter record number, any
30 voter identification numbers and any special designations
31 indicating uniformed service voters, overseas voters or township
32 voters. In addition, municipal clerks or registrars shall make
33 available upon request and free of charge the list of persons who
34 requested or were furnished absentee ballots created and
35 maintained pursuant to section 753-B.

36 3. Other reports. Any other reports generated from the
37 central voter registration system, including reports that contain
38 both the name of a voter and that voter's voter identification
39 number or voter record number that indicate whether the voter has
40 voted or changed enrollment status, may be obtained from the
41 Secretary of State upon request, or from a municipal registrar if
42 the information requested concerns voters in that municipality,
43 subject to the fees set forth in subsection 4 of this section but
44 not subject to the restrictions on use and redistribution of data
45 in subsection 7.

46 4. Fees. The fee for information provided pursuant to this
47 section in electronic form is 5¢ per record for up to 100 records
48 and 1¢ per record for any additional records requested. The fee
49 and 1¢ per record for any additional records requested. The fee
50 and 1¢ per record for any additional records requested. The fee

100

2 for information provided in printed form is \$1 for the first page
3 and 25¢ per page for all additional pages, except that the fee
4 for additional pages of mailing labels is 50¢ per page. For the
5 purpose of calculating fees pursuant to this section, a record
6 includes the information on one individual voter. Fees paid to
7 the Secretary of State must be deposited into a dedicated fund to
8 offset the cost of providing the information and maintaining the
9 central voter registration system. Municipalities may provide
10 any of the information contained in the incoming voting list to
11 requestors free of charge.

12 5. Supplemental information for candidates. Any candidate
13 in a primary or general election for a state or federal office
14 who has purchased a list or report of voter information for
15 registered voters in that municipality from the central voter
16 registration system pursuant to this section is entitled to
17 obtain a list of all additions, deletions and changes to the
18 purchased list or report for the following periods of time upon
19 request and free of charge.

20 A. A candidate in a primary election is entitled to the
21 list of additions, deletions and changes under this
22 subsection from the time of becoming a declared candidate in
23 that primary election until the day of the primary
24 election. A candidate who is nominated in that primary
25 election to be a candidate in the general election is
26 entitled to those additions, deletions and changes from the
27 day of the primary until the day of the general election.

28 B. A candidate in a general election is entitled to the
29 list of additions, deletions and changes under this
30 subsection from the time of becoming a declared candidate in
31 that general election until the day of the general election.

32 6. Response to requests. Municipal registrars and the
33 Secretary of State's office shall respond to all requests for
34 information from the central voter registration system pursuant
35 to this section within 5 business days of receipt of a written
36 request and upon payment of any applicable fee. A municipal
37 registrar may only provide information concerning voters
38 registered within that municipal jurisdiction.

39 7. Restrictions on use and redistribution of data.
40 Information obtained from the central voter registration system
41 pursuant to this section may not be used for any commercial
42 purpose, including, but not limited to, the sales and marketing
43 of products and services, or for solicitations of any kind not
44 directly related to activities of a political party, so-called
45 "get out the vote" efforts or activities directly related to a
46 campaign as defined in section 1052. Any person obtaining
47 information pursuant to this section may not be used for any
48 commercial purpose, including, but not limited to, the sales and
49 marketing of products and services, or for solicitations of any
50 kind not directly related to activities of a political party, so-called
"get out the vote" efforts or activities directly related to a
campaign as defined in section 1052. Any person obtaining

1103

information from the central voter registration system is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the dates of birth or mailing addresses of individual voters. This subsection does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, get out the vote efforts or a campaign as defined in section 1052.

8. Limited access for law enforcement purposes. Any information pertaining to individual voters, other than Address Confidentiality Program participants, that is contained in the central voter registration system may be made available free of charge to a law enforcement officer or 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. Information pertaining to individual voters who are Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information.

9. Secretary of State to report. By March 15, 2007, the Secretary of State shall issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters, including suggested legislation, with regard to public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The committee is authorized to introduce legislation based on information contained in the report to the First Regular Session of the 123rd Legislature.

This section is repealed September 30, 2007.'

SUMMARY

This amendment replaces the bill and establishes which information is available for public access from the central voter registration system. The central voter registration system is a database operated by the Secretary of State with cooperation from municipalities that contains all voter records. There is a repeal date of September 30, 2007 on the provisions of the use

COMMITTEE AMENDMENT **A** to S.P. 446, L.D. 1266

2 and distribution of central voter registration information. This
3 amendment requires the Secretary of State to issue a report to
4 the joint standing committee of the Legislature having
5 jurisdiction over voter registration matters by March 15, 2007
6 regarding public access to information contained in the central
7 voter registration system, taking into consideration the impact
8 on voter participation, the opportunity for voter fraud and the
9 potential disenfranchisement of voters.

10

12

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1266

LR 2068(02)

An Act To Ensure Integrity in the Voting Process

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium cost increase - Other Special Revenue Funds
Undetermined current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

The Department of the Secretary of State will incur additional Other Special Revenue Funds expenses in responding to requests for certain voter lists and will also collect an increased amount of dedicated revenue from fees that can be charged for these same lists; the amounts will depend on the number and size of the voter lists that may be requested and can not be determined at this time.