

# MAINE STATE LEGISLATURE

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L.D. 1602

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## LEGAL AND VETERANS AFFAIRS

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### STATE OF MAINE SENATE 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 583, L.D. 1602, Bill, "An Act Regarding Voter Registration Cards"

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

**'An Act Regarding Implementation of 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 §1, sub-§6-A,** as enacted by PL 2001, c. 637, §1, is amended to read:

**6-A. Central voter registration system.** "Centralized Central voter registration system" means a single electronic information system and database for voter registration information maintained by the Secretary of State and used by all municipal jurisdictions in the State.

**Sec. 2. 21-A MRSA §1, sub-§40-B** is enacted to read:

**40-B. Residence address.** "Residence address" means the street and number or other designation indicating the physical location of a person's residence.

**Sec. 3. 21-A MRSA §1, sub-§43,** as enacted by PL 1985, c. 161, §6, is repealed.

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**Sec. 4. 21-A MRSA §1, sub-§47-A** is enacted to read:

**47-A. Voter participation history.** "Voter participation history" means the indication in the central voter registration system of whether a voter has cast a ballot in a certain election, as reflected on the incoming voting list for that election.

**Sec. 5. 21-A MRSA §22, sub-§1**, as enacted by PL 1997, c. 248, §1, is amended to read:

**1. Public records.** All lists, books, documents and records required to be prepared by or filed with a public official are public records, except as otherwise provided in this Title. Public records are open to public inspection during regular business hours under proper protective regulations made by the official charged with their custody.

**Sec. 6. 21-A MRSA §23, sub-§1**, as amended by PL 2003, c. 584, §2, 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.~~ Records must be kept only 2 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and 162-A registration has been cancelled or for an applicant whose registration application has been rejected.

**Sec. 7. 21-A MRSA §23, sub-§5**, as enacted by PL 1985, c. 161, §6, is amended to read:

**5. Receipt of incoming voting list.** The registrar shall keep the receipt for certified copies of the incoming voting list required by section 624, subsection 2, in ~~his~~ the registrar's office for one year.

**Sec. 8. 21-A MRSA §101, sub-§4**, as amended by PL 1997, c. 436, §17, is further amended to read:

**4. Secretary of State notified.** The clerk shall notify the Secretary of State of the name of the registrar within 10 days after the registrar is appointed and sworn by revising the election official's information listing within the central voter registration system.

**Sec. 9. 21-A MRSA §103, first ¶**, as enacted by PL 1995, c. 459, §5, is amended to read:

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In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to ~~remove a name from the voting list or to refuse to place it on the voting list~~ cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board.

**Sec. 10. 21-A MRSA §113**, as enacted by PL 1985, c. 161, §6, is amended to read:

**§113. Right survives change of residence**

A registered voter who moves to another state within 30 days before a presidential election ~~must~~ may not be removed from the incoming voting list and the voter's registration may not be cancelled in the central voter registration system until after the election. ~~He~~ The voter may vote at that presidential election in person or by absentee ballot.

**Sec. 11. 21-A MRSA §115, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Correct name and address on incoming voting list.** A person whose name, or ~~street~~ residence address in a municipality ~~which~~ that has voting districts, does not appear correctly on the incoming voting list on election day may not vote at any election until it is corrected as provided in section 661.

**Sec. 12. 21-A MRSA §121, sub-§1-A**, as amended by PL 1999, c. 426, §6, is further amended to read:

**1-A. Identification and proof.** Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within ~~20~~ 30 days of an election must be advised that the registrar might not receive the application before that election, but that the applicant may register in person before or on election day.

Registration applications received by the Secretary of State from outside agencies ~~21~~ 30 days or more before an election must be transferred to the appropriate registrar's office within ~~10~~ 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies ~~20 days or less than~~ 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on

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the ~~10th-business~~ 21st day before election day in order for  
persons' names to appear on the incoming voting list of  
registered voters for that election. ~~If the registrar's office~~  
~~is not open on that day, the registrar must accept applications~~  
~~by mail that are received on the next day the registrar's office~~  
~~is open.~~ The 20-day period before the election is the closed  
period for outside registrations. The registrar shall send the  
notice required by section 122 to all voters whose applications  
were received by mail or a 3rd person by the 21st day before  
election day no later than the 18th day before election day.

A person who registers during the ~~9-business~~ 20 days before  
election day or on election day shall register in person and show  
proof of identity and residency. If satisfactory proof of  
identity and residency can not be provided to the registrar or  
deputy, the person's name is entered into the central voter  
registration system and placed on the incoming voting list and  
the person casts a challenged ballot.

Sec. 13. 21-A MRSA §122, sub-§1, as enacted by PL 1985, c.  
161, §6, is amended to read:

1. **Entry into central voter registration system.** The  
registrar shall place enter the name and other information from  
the voter registration application of the applicant on the voting  
list as soon as he has qualified into the central voter  
registration system as expeditiously as possible after receipt of  
a voter registration application. The registrar shall register a  
person by first name, middle name or initial and last name, or by  
first name or initial, middle and last name.

Sec. 14. 21-A MRSA §122, sub-§2, as repealed and replaced by  
PL 1993, c. 695, §6, is amended to read:

2. **Notice of disposition.** The registrar shall notify the  
applicant whether the application for registration is accepted,  
or rejected ~~or incomplete~~ by providing the applicant with a  
written acknowledgement notice, in the form prescribed by the  
Secretary of State, as expeditiously as possible after the  
voter's information has been entered into the central voter  
registration system. If a mailed notice of acceptance is  
returned as undeliverable within 15 days after it is sent, the  
registrar must reject the application and provide a new  
acknowledgement notice to the applicant indicating the  
rejection. If a mailed notice of acceptance is not returned as  
undeliverable within 15 days after it is sent, the voter is  
automatically designated as active in the central voter  
registration system.

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Sec. 15. 21-A MRSA §122, sub-§3, as corrected by RR 1995, c. 1, §8, is amended to read:

3. **Notice of new registration.** When an applicant states in the application that the applicant last voted in another ~~municipality in this State or any other~~ state, the registrar shall immediately send a notice of the applicant's new registration to the registrar of that ~~municipality~~ jurisdiction. The notice must contain the following:

- A. The voter's name;
- B. The name under which registered, if changed;
- C. Date of birth; and
- D. Former ~~street~~ residence and mailing address.

~~The registrar who receives the notice shall remove the name from the voting list if the registrar is satisfied as to the identity of the person and the registrar need not send the notice required by section 162-A. The Secretary of State may facilitate the delivery of such notices electronically using the central voter registration system.~~

Sec. 16. 21-A MRSA §122, sub-§4, as amended by PL 1995, c. 459, §14, is further amended to read:

4. **Election day registration.** The registrar shall accept registrations of applicants who appear in person on election day. The registrar shall issue to each of these applicants a certificate entitling the applicant to be placed on the incoming voting list at the voting place. Only one certificate may be issued to a person. An applicant whose address has changed since the applicant last voted must vote using the ballot or ballots for the new polling place, if applicable, on election day.

Sec. 17. 21-A MRSA §122, sub-§5, as repealed and replaced by PL 2001, c. 310, §4, is amended to read:

5. **Alternative registration schedule for absentee voters.** If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk by the close of ~~business on the 10th business day before the~~ polls on election day in order for the ballot to be counted and

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may not be sealed with the voted absentee ballot. If the application is received during the closed period and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot.

**Sec. 18. 21-A MRSA §122, sub-§6**, as amended by PL 1997, c. 436, §23, is further amended to read:

**6. Schedule for acceptance of registrations.** Except as provided in paragraph A, the registrar shall accept registrations on any business day or other day that the clerk's office is open. The names and other information from the voter registration applications of any ~~person~~ persons registering must be entered into the central voter registration system and must be placed on the incoming voting list.

A. The registrar may accept only the registrations of applicants who appear in person as follows:

(1) In a municipality with a population of 2,500 or fewer, on the last business day that the clerk's office is open before election day during the hours that the clerk's office is open;

(2) In a municipality with a population of more than 2,500, on the last 5 business days that the clerk's office is open before election day during the hours that the clerk's office is open and for 2 hours in the evening between 5 p.m. and 9 p.m. on at least 3 one of these days; and

(3) The names of voters registering during these periods must be recorded as provided under subsection 7.

**Sec. 19. 21-A MRSA §122, sub-§7**, as amended by PL 2003, c. 447, §§6 and 7, is further amended to read:

**7. Record of names.** The names of voters who register by appearing in person before the registrar during the business days before election day under subsection 6 must be recorded as provided in either paragraph A or B:

A. The registrar shall, after finding an applicant qualified, issue a certificate requiring the voter's name and other required information to be written on the original or any supplemental incoming voting list at the voting place on election day. The certificate must be attached to, or included with, the incoming voting list and sealed as

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provided in section 698. Only one certificate may be recorded for any voter at an election; or

B. The registrar shall, after finding the applicant qualified, add enter the voter's name ~~to~~ and other information from the voter registration application into the central voter registration system and add it to the incoming voting list or a supplemental incoming voting list. Before the polls are opened, the registrar shall deliver the incoming voting list and the any supplemental incoming voting list or lists to the clerk. The inclusion of a person's name on these lists will entitle the applicant to vote on election day. All references in this Title to the use of the incoming voting list before, during and after election day are considered to include the supplemental incoming voting list or lists as provided in this paragraph.

**Sec. 20. 21-A MRSA §128**, as amended by PL 1997, c. 436, §§25 and 26, is further amended to read:

**§128. Registrar to check records**

Before printing the final incoming voting list prior to any election, the registrar shall update the ~~voting--list~~ central voter registration system as follows:

1. **Registrar shall review records.** The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors, or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall ~~correct~~ revise the ~~voting--list~~ central voter registration system accordingly; ~~or~~

2. **Clerk provides list.** The clerk shall, if requested, provide the registrar with a list, certified by the clerk to be true, of the marriages, deaths and changes that took place since the last update of the ~~voting--list~~ central voter registration system. The registrar shall use this list to update the ~~voting list~~ central voter registration system accordingly; or

3. **Marriage; notice of inquiry.** If the registrar determines that a voter has married, the registrar shall ~~may~~ not for that reason alone ~~remove--the--voter's--name--from~~ cancel a voter's registration in the voting---list central voter registration system. The registrar may send a notice inquiring whether, as a result of marriage, that voter's name or address has been changed. Nothing in this subsection relieves a voter of the duty to give the registrar written notice of a change of name or address in accordance with section 129.

**Sec. 21. 21-A MRSA §129, sub-§2,** as amended by PL 1999, c. 426, §7, is further amended to read:

**2. Correction of name or address.** The registrar shall correct the voter's name or address in the central voter registration system and on the incoming voting list, and the voter must then vote under the voter's new name or in the new district on election day.

A. In a municipality that has more than one voting district, if a voter has changed the voter's address and votes absentee after the close of registration, the voter must send a written notice of the voter's new address along with the voter's absentee application notifying the registrar of the voter's new address. A certificate containing the voter's name and new address must be directed to the warden of the voter's new voting place to be attached to the incoming voting list on election day.

**Sec. 22. 21-A MRSA §130,** as amended by PL 1989, c. 694, §1, is further amended to read:

**§130. Applications for voter registration**

A person who completes an application for registration to vote, as provided in section 152, may mail the application or have the application delivered to the registrar before the closed period for the acceptance of mail or 3rd-person registrations in the person's municipality, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5, may be delivered during the closed period for immediate placement on the incoming voting list.

**Sec. 23. 21-A MRSA §141, sub-§1,** as amended by PL 1997, c. 436, §29, is further amended to read:

**1. Content of application.** The application must contain the following information: Name of applicant, date of birth, ~~street~~ residence address, voting district, name of party in which enrollment is requested, signature of the applicant and the date of application.

**Sec. 24. 21-A MRSA §142, sub-§2,** as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Party designation.** On receipt of the application, the registrar shall place enter the party designation of the

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applicant ~~beside-his-name-on-the-voting-list~~ into the central voter registration system and file the application.

Sec. 25. 21-A MRSA §143, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Party designation entered. On receipt of the application, the registrar shall place enter the party designation of the applicant ~~beside-his-name-on-the-voting-list~~ into the central voter registration system and file the application.

Sec. 26. 21-A MRSA §144, sub-§1, as amended by PL 1997, c. 436, §31, is further amended to read:

1. Content of application. The application must contain the following information: Name of applicant, the date of birth, ~~street~~ residence address, voting district, name of party in which enrolled, name of party in which enrollment is requested, signature of the applicant and the date of application.

Sec. 27. 21-A MRSA §144, sub-§2, as amended by PL 2001, c. 310, §8, is further amended to read:

2. Party designation removed. On receipt of the application, the registrar shall remove the party designation ~~beside-the-name~~ of the applicant ~~on-the-voting-list~~ from the central voter registration system. The registrar shall make a ~~notation-on-the-voting-list~~ indicate in the central voter registration system that the applicant is ineligible to vote at a caucus or primary election for 15 days by designating the party enrollment field with the letter "X." Fifteen days after receiving the application, the registrar shall enroll the applicant in the party requested and enter the new party designation in the party enrollment field.

This subsection does not apply in the case of a voter who changes enrollment under subsection 4.

Sec. 28. 21-A MRSA §152, sub-§2, as amended by PL 1997, c. 436, §35, is further amended to read:

2. Entry into central voter registration system. Upon receipt of the application by the registrar of voters, the applicant's name and other information from the voter registration application must be entered ~~on-the-voting-lists-of-the-municipality-as-seen-as-the-voter-has-qualified~~ into the central voter registration system as expeditiously as possible. The registrar shall provide the voter with a notice of disposition as required by section 122.

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2       **Sec. 29. 21-A MRSA §152, sub-§3**, as amended by PL 2001, c.  
310, §10, is further amended to read:

4               **3. Failure to qualify.** The registrar of voters may  
6 investigate any application under this section and ~~refuse to~~  
~~place the voter's name on the list~~ reject the voter's application  
8 for failure to meet a voting qualification under this Title,  
after written notice to the voter to the last known address  
10 provided by the voter.

12       **Sec. 30. 21-A MRSA §155, first ¶**, as amended by PL 2003, c.  
407, §11, is further amended to read:

14               The registrar shall conditionally accept the registration  
16 and enrollment of any person who is 17 years of age and will  
attain 18 years of age by the next election, and who is otherwise  
18 qualified to be a voter. ~~The registrar shall maintain a separate~~  
~~list of these persons, with a notation of their birthdates, and~~  
20 ~~shall place their names on the voting list as soon as they have~~  
~~attained 18 years of age.~~

22       **Sec. 31. 21-A MRSA §156, sub-§1**, as enacted by PL 1985, c.  
24 161, §6, is amended to read:

26               **1. Registration and enrollment.** A township resident may  
register and enroll in any ~~town~~ municipality within ~~his~~ the  
28 applicant's representative district or, if ~~he~~ the applicant lives  
in a portion of a township not easily accessible to a ~~town~~  
30 municipality within ~~his~~ the representative district, ~~he~~ the  
township resident may register and enroll in a more convenient  
32 ~~town~~ municipality within or outside the county. ~~He~~ The township  
resident may register and enroll on election day. The registrar  
34 shall ~~place the letter "T" beside the voter's name on the voting~~  
~~list and on the general register~~ designate the applicant as a  
36 township voter with the letter "T" in the central voter  
registration system and on the incoming voting list.

38       **Sec. 32. 21-A MRSA §161**, as amended by PL 2001, c. 310, §13,  
40 is further amended to read:

42       **§161. Responsibilities of registrar**

44       ~~The registrar has the exclusive power to prepare and revise~~  
~~the voting list.~~

46               **1. List prepared.** ~~The registrar shall prepare a printed or~~  
48 ~~typewritten list of all the voters of the municipality, arranged~~  
~~alphabetically by last name. The list must include the street~~  
50 ~~address of each voter beside the voter's name, mailing address~~

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and zip code number. In a municipality covered by only one zip code, the registrar may print or type the zip code at the top of each page of the voting list. In a municipality which has voting districts, the registrar shall make a separate list for each district.

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

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

2. List current. A registrar shall keep the voting list current at all times by adding the names of new voters and by removing the names of those registrants who request to be removed and registrants who have died, moved from the municipality or become disqualified to vote. The Secretary of State shall by rule determine the program for voter list maintenance required by the National Voter Registration Act of 1993. A registrar may not remove the name of a registered voter from the voter list solely because the registered voter did not vote in previous elections.

A registrar may contact other municipalities within the representative district or senatorial district in which the registrar's municipality is apportioned to ascertain whether voters on that municipality's voting list are also registered in another municipality in the district.

2-A. Maintenance of voter registration information. The registrar in each municipality shall keep the central voter registration system current at all times for the voters in the registrar's municipality. The Secretary of State shall by rule determine the program for voter list maintenance required by the National Voter Registration Act of 1993. A registrar may not cancel a voter's registration in the central voter registration system solely because the registered voter did not vote in previous elections.

3. List of deceased residents. The clerk shall, upon request of the registrar, furnish the registrar with a list of the deceased in the municipality.

4. Proof of qualification is requested. If the registrar is in doubt as to the qualifications of a person to vote, the registrar shall fix a reasonable time and place for a hearing and give written notice to the voter at the last known address provided by the voter. The voter may respond in person or in

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2 writing with proof of qualifications prior to the date of the  
3 hearing. After the hearing, the registrar shall determine  
4 whether the voter has met the voting qualifications and shall act  
5 accordingly. If the voter offers satisfactory proof of  
6 qualifications to the registrar, either prior to or at the  
7 hearing, the registrar may not ~~remove~~ cancel the voter's name  
8 ~~from the list~~ registration in the central voter registration  
9 system. If the voter fails to offer satisfactory proof of  
10 qualifications to the registrar, either prior to or at the  
11 hearing, the registrar may ~~remove~~ cancel the voter's name ~~from~~  
12 ~~the list~~ registration in the central voter registration system.  
13 If the voter fails to appear at the hearing and the registrar has  
14 proof that the voter does not meet the qualifications, the  
15 registrar may ~~remove~~ cancel the voter's name ~~from the list~~  
16 registration in the central voter registration system. The  
17 registrar shall notify the voter, in writing, of the action taken  
18 and advise the voter of the appropriate appeal authority as  
specified in this Title.

20 5. **Record of names added and cancelled.** The registrar  
21 shall keep a record of the names added to or ~~removed from the~~  
22 registrations cancelled in the voting--list central voter  
23 registration system and the date when the action was taken.

24 **Sec. 33. 21-A MRSA §162-A**, as amended by PL 2001, c. 310,  
25 §§14 and 15, is further amended to read:

26 **§162-A. Change of address confirmation notice**

27 The following provisions govern the change of address  
28 confirmation notice and ~~removal~~ procedures for ~~voting--lists~~  
29 updating a voter's status in the central voter registration  
30 system.

31 1. **Change of address confirmation notice.** Except as  
32 provided in section 122, subsection 3, a registrar shall send by  
33 forwardable mail a change of address confirmation notice, with a  
34 postage prepaid and preaddressed return notice, to the last known  
35 place of residence of each person the registrar has identified as  
36 having a change of address. If a registrant has moved within the  
37 municipality's jurisdiction, a registrar shall change the voter's  
38 record to reflect the new address before sending the change of  
39 address confirmation notice. If a registrant has moved outside  
40 the municipality's jurisdiction, a registrar shall also include  
41 information on voter registration procedures in the new  
42 jurisdiction.

43 2. **Change of voter's status.** A registrant's ~~name~~ voter's  
44 registration may be ~~removed from the voting-list~~ cancelled in the  
45 central voter registration system if the registrant voter

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confirms that the registrant voter has moved from the municipality's jurisdiction. If a registrant voter fails to respond to the change of address confirmation notice, the ~~registrant-may voter must~~ be designated on the incoming voting list and in the central voter registration system as inactive. A registrant voter who has been designated as inactive and fails to vote for the next 2 general elections may must be ~~removed-from the-voting-list~~ cancelled in the central voter registration system. If a registrant voter who is designated as inactive votes at any election prior to ~~removal-from-the-voting-list~~ cancellation in the central voter registration system, the inactive designation of the ~~registrant-on-the-voting-list-must-be removed voter must be changed to active~~. Address verification may be requested at the polls before allowing a registrant voter designated as inactive to vote.

**3-A. Determine; approve.** The Secretary of State shall determine or approve the design and contents of the notices required by this section.

**Sec. 34. 21-A MRSA §163**, as amended by PL 1999, c. 426, §9, is further amended to read:

**§163. Appeal**

In a ~~tewa~~ municipality that does not have a registration appeals board, if a person is aggrieved by the decision of the registrar of voters to ~~remove-a-name-from-the-voting-list-or-to refuse-to-place-it-on-the-voting-list~~ cancel that person's registration in the central voter registration system or to reject that person's registration application, the person may appeal in writing to the municipal officers ~~of-a-municipality~~ by filing a complaint. The municipal officers shall immediately fix a time and place for a prompt hearing. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. The aggrieved person may appeal the decision of the municipal officers to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

**Sec. 35. 21-A MRSA §164**, as amended by PL 1985, c. 273, §§2 and 3, is repealed and the following enacted in its place:

**§164. Enrollment records**

The registrar shall designate each voter's enrollment status in the central voter registration system using the symbols prescribed by the Secretary of State. The registrar shall keep the voters' enrollment status current at all times, and shall keep a record of the enrollments added, changed or withdrawn and the date when the action was taken.

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2       **Sec. 36. 21-A MRSA §165**, as amended by PL 1985, c. 383, §5,  
is repealed.

4       **Sec. 37. 21-A MRSA §166**, as enacted by PL 1985, c. 161, §6,  
is repealed.

8       **Sec. 38. 21-A MRSA §167**, as amended by PL 1993, c. 473, §9  
and affected by §46, is further amended to read:

10       **§167. Violation and penalty**

12       A person who ~~places or removes the name of another on or~~  
14 ~~from a voting list or general register~~ adds, deletes, alters or  
16 cancels a voter registration record in the central voter  
registration system or the voter registration file, knowing that  
person has no legal right to do so, commits a Class C crime.

18       **Sec. 39. 21-A MRSA c. 3, sub-c. 7**, as amended, is further  
20 amended by repealing the subchapter headnote and enacting the  
following in its place:

22                       **SUBCHAPTER 7**

24                       **CENTRAL VOTER REGISTRATION**

26       **Sec. 40. 21-A MRSA §191**, as enacted by PL 2001, c. 637, §2,  
is amended to read:

30       **§191. Central voter registration system implemented**

32       The Secretary of State shall develop and implement a  
34 centralized central voter registration system. The Secretary of  
State shall:

36       **1. Pilot program.** Develop a centralized central voter  
registration system pilot to include the 10 municipalities with  
38 the highest number of registered voters as of the 2000 general  
election in order to test the information system and data  
40 conversion procedures. Additional municipal jurisdictions may be  
included in the pilot on a voluntary basis and at the discretion  
42 of the Secretary of State;

44       **2. Implementation by stages.** Develop a plan to implement  
the centralized central voter registration system in stages; and

46       **3. System implemented.** Fully implement the centralized  
48 central voter registration system and database no later than  
December 31, 2007.

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COMMITTEE AMENDMENT "A" to S.P. 583, L.D. 1602

The Secretary of State shall develop informational materials for municipalities and may require municipalities to report on the implementation of the centralized central voter registration system and related processes at the local level.

**Sec. 41. 21-A MRSA §192**, as amended by PL 2005, c. 12, Pt. SS, §21, is further amended to read:

**§192. Central Voter Registration Advisory Committee**

**1. Membership.** The Centralized Central Voter Registration Advisory Committee is established to advise the Secretary of State with respect to planning for the centralized central voter registration system. The advisory committee consists of 12 members appointed as follows:

A. Two municipal election officials, one appointed jointly by the President of the Senate and ~~President Pro Tempore of the Senate~~ and one appointed by the Speaker of the House;

B. One representative from the League of Women Voters of Maine, appointed by the Speaker of the House;

C. Two members of the public, one from each of the 2 political parties with the largest number of members in the Legislature, appointed by the Speaker of the House;

D. Two members of the public, one from each of the 2 political parties with the largest number of members in the Legislature, appointed jointly by the President of the Senate and ~~President Pro Tempore of the Senate~~;

E. Two representatives of political parties, one from each of the 2 political parties with the largest number of members in the Legislature: one appointed jointly by the President of the Senate and ~~President Pro Tempore of the Senate~~ and one appointed by the Speaker of the House;

F. The Chief Information Officer within the Department of Administrative and Financial Services or the Chief Information Officer's designee; and

G. Two state election officials, appointed by the Secretary of State.

The appointing authorities shall make their appointments as soon as feasible following the effective date of this section.

**2. Meetings.** The Secretary of State shall call the meetings of the ~~Centralized~~ Central Voter Registration Advisory Committee whenever the Secretary of State determines necessary.

**3. Compensation.** Members of the advisory committee not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at meetings of the advisory committee.

**Sec. 42. 21-A MRSA §193,** as enacted by PL 2001, c. 637, §2, is amended to read:

**§193. Funding**

The Secretary of State may apply for and accept federal or other funds for the purpose of developing and implementing a ~~centralized~~ central voter registration system. If matching funds are required to obtain a grant, the Secretary of State may submit legislation to request necessary funds. Notwithstanding Title 5, section 1587, the Secretary of State may also enter into a lease-purchase agreement or other similar agreement for the purpose of developing the system.

**Sec. 43. 21-A MRSA §194, first ¶,** as enacted by PL 2001, c. 637, §2, is amended to read:

The Secretary of State may adopt rules regarding implementation and administration of a ~~centralized~~ central voter registration system to determine the pricing, accessibility and availability of information contained in the database and the appropriate use and resale of that information; to establish a plan to implement the system in stages for all municipal jurisdictions; to identify additional system features or voter information to be included in the system or provide for the confidentiality of certain personal information or limitations on the use and distribution of that information; and to establish a system to identify duplicate records, including establishment of a voter identification indicator.

**Sec. 44. 21-A MRSA §195,** as enacted by PL 2001, c. 637, §2, is amended to read:

**§195. Report**

The Secretary of State shall report annually, by March 1st, to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the progress of the implementation of the ~~centralized~~ central voter registration system developed pursuant to this subchapter. The report may

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include suggested legislation necessary to implement or administer the ~~centralized~~ central voter registration system. The committee may report out legislation regarding the ~~centralized~~ central voter registration system to the Legislature during the First Regular Session of the 121st Legislature and any subsequent Legislature.

**Sec. 45. 21-A MRSA §312**, as amended by PL 2001, c. 310, §18, is further amended to read:

**§312. Municipal caucus list**

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus, including any resident voter pursuant to section 311, subsection 5, may request from the municipal registrar and receive at no charge a certified copy of ~~the voting~~ a list of voters registered in that municipality for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. Upon receipt of a request, the registrar has 5 business days to prepare and provide the ~~certified copy of the voting~~ municipal caucus list to the requester. The municipal caucus list may include only the following information for each voter: name, residence address, mailing address, enrollment status, electoral district, voter status as active or inactive, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter.

**Sec. 46. 21-A MRSA §313, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Vote by list.** The caucus may order voting to be done by checking each voter's name on the ~~voting~~ municipal caucus list of registered voters from the central voter registration system pursuant to section 312.

**Sec. 47. 21-A MRSA §335, sub-§4**, as amended by PL 1997, c. 436, §48, is further amended to read:

**4. Residence.** The voter or the circulator of the petition must write or print the voter's ~~street~~ residence address and municipality of registration. Ditto marks are permitted for ~~street~~ residence address and municipality of registration only.

**Sec. 48. 21-A MRSA §335, sub-§7, ¶B**, as amended by PL 1995, c. 459, §22, is further amended to read:

**B.** The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned

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shall certify which names on a petition appear ~~on-the-voting~~  
~~list-of-that-municipality~~ in the central voter registration  
system as registered and enrolled voters in that  
municipality and ~~shall-strike-out~~ may not certify any names  
that do not satisfy subsection 3.

Sec. 49. 21-A MRSA §354, sub-§4, as amended by PL 1997, c.  
436, §50, is further amended to read:

4. **Residence.** The voter or the circulator of the petition  
must write or print the voter's ~~street~~ residence address and  
municipality of registration. Ditto marks are permitted for  
~~street~~ residence address and municipality of registration only.

Sec. 50. 21-A MRSA §354, sub-§7, ¶C, as amended by PL 1995, c.  
459, §27, is further amended to read:

C. The registrar, or clerk at the request or upon the  
absence of the registrar, of each municipality concerned  
shall certify which names on a petition appear ~~on-the-voting~~  
~~list-of-the-municipality~~ in the central voter registration  
system as registered voters in that municipality and ~~shall~~  
~~strike-out~~ may not certify any names that do not satisfy  
subsection 3.

Sec. 51. 21-A MRSA §624, as enacted by PL 1985, c. 161, §6,  
is amended to read:

**§624. Incoming voting lists**

1. **Posting of.** The registrar shall post a certified copy  
of the incoming voting list for each voting district at the usual  
voting place in that district before the polls are opened on  
election day. ~~He--need--not--post--the--list--before--a--special~~  
~~election.~~

2. **Delivery of.** The registrar shall deliver the necessary  
number of certified copies of the incoming voting list to the  
clerk by 5 p.m. on the last business day before election day.  
The clerk shall give the registrar a receipt for the copies.

Sec. 52. 21-A MRSA §632, sub-§1, ¶B, as enacted by PL 1985, c.  
161, §6, is amended to read:

B. The ~~commissioner-or-the-municipal-officers~~ registrar of  
the contracting municipality shall ~~prepare-a-separate-list~~  
~~of-these~~ designate the voters as township voters, pursuant  
to section 156, in the central voter registration system and  
shall ~~select-at-least-2-ballot-clerks-from-the-inhabitants~~  
~~of-the-township,---representing---the---respective~~

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~~major-political-parties-and-shall-select-a-warden-who-may-be~~  
a--resident--of--the--township include their names on the  
incoming voting list for the contracting municipality.

Sec. 53. 21-A MRSA §652, as amended by PL 1995, c. 459, §56,  
is further amended to read:

**§652. Certified incoming voting list and official ballot box**

The certified copies of the incoming voting list provided by  
the registrar and official ballot boxes must be used exclusively  
at each voting place. If it becomes impossible to use the  
official ballot box, the warden shall direct the method by which  
voting is to proceed. The warden shall record the reason why the  
ballot box was not used and shall place an attested copy of this  
record in the package with the ballots cast.

Sec. 54. 21-A MRSA §661, as amended by PL 1985, c. 614, §17,  
is further amended to read:

**§661. Registrar**

The registrar shall hold office hours as long as the polls  
are open on any election day for the following purposes.

1. **Error in incoming voting list.** The registrar shall  
correct any error in the incoming voting list ~~which or central~~  
voter registration system that might otherwise deprive a voter of  
his the voter's franchise.

A. A voter who is prevented from voting because his the  
voter's name or address does not appear correctly on the  
incoming voting list may request the registrar to correct it.

B. If the name or address of the voter was omitted by error  
from or placed incorrectly on the incoming voting list, the  
registrar shall issue a certificate to him the voter  
containing his the voter's correct name and address and  
directed to the warden of his the appropriate voting place.  
The registrar shall correct the name and address on the  
incoming voting list and in the central voter registration  
system.

C. On receipt of the certificate, the warden shall allow  
the person named in it to vote, check his the voter's name  
on the certificate as having voted and attach the  
certificate securely to the incoming voting list.

2. **Change of name or address.** The registrar shall change a  
name or address on the incoming voting list.

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2 A. A voter whose name or address has changed as provided in  
3 section 129 may request the registrar to change it on the  
4 incoming voting list and in the central voter registration  
5 system.

6 B. The registrar shall issue a certificate to him--and--he  
7 the voter, who may vote as provided in subsection 1.

10 3. **Registration and enrollment.** The registrar shall accept  
11 registrations under section 122,---He and shall accept the  
12 enrollment of any voter under section 143.

14 **Sec. 55. 21-A MRSA §671, sub-§1,** as enacted by PL 1985, c.  
15 161, §6, is amended to read:

16 1. **Name announced.** A voter who wishes to vote must state  
17 his the voter's name and, upon request, street residence address  
18 to an election clerk who shall announce the name in a loud, clear  
19 voice.

22 **Sec. 56. 21-A MRSA §698, sub-§3,** as amended by PL 2001, c.  
23 516, §11, is further amended to read:

24 3. **Incoming voting lists packed separately.** The warden and  
25 one election clerk from each of the major parties shall sign the  
26 incoming voting list certification as soon as the names of all  
27 persons who have voted, including persons who have voted by  
28 absentee ballot, have been checked off. The election clerks  
29 shall place the incoming voting list in a separate package  
30 outside the containers of used and unused ballots and seal the  
31 package with the signed incoming voting list certification. The  
32 incoming voting list includes any certificates entitling voters  
33 to be placed on the incoming voting list and any supplemental  
34 incoming voting list, where applicable, pursuant to section 122,  
35 subsection 7. The municipal clerk shall keep ~~the--list~~ these  
36 incoming voting lists sealed for ~~30~~ 10 business days after the  
37 election or until the time for any recount conducted under  
38 section 737-A, contested election or appeal has passed, whichever  
39 is longer. After that time period, the clerk shall unseal the  
40 incoming voting list and keep it in the clerk's office as a  
41 public record for the time required pursuant to section 23.

44 **Sec. 57. 21-A MRSA §721,** as amended by PL 1993, c. 447, §16,  
45 is further amended to read:

46 **§721. Reports of registration and enrollment**

47 Within ~~20~~ 10 business days after a-~~primary-or-general~~ any  
48 statewide election, the registrar shall ~~send--a--report--to--the~~

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~~Secretary of State stating the number of voters in each voting district of the municipality and the number of voters enrolled in each political party in each voting district of the municipality at the close of the polls on election day~~ update all information in the central voter registration system for all voters in the municipality to reflect any voter registration activity after the incoming voting list was printed for that election and up until the close of the polls on election day. The registrar shall also enter any designations of challenged ballots in the applicable voter records in the central voter registration system. The registrar shall notify the Secretary of State as soon as these tasks are complete.

After the registrar has completed the update of the central voter registration system, as required by this section, and no later than 20 business days after the election, unless a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election. The clerk shall notify the Secretary of State as soon as this task is completed.

In a municipality in which a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election within 10 business days after receiving a copy of the incoming voting list as required by section 737-A, subsection 9. The clerk shall notify the Secretary of State as soon as this task is completed.

**Sec. 58. 21-A MRSA §737-A, sub-§9, as amended by PL 2003, c. 447, §27, is further amended to read:**

**9. Package resealed and marked.** After a recount, the Secretary of State shall copy the incoming voting list, before proceeding to reseat the packages of ballots and incoming voting lists, noting the fact and date of the recount on the packages. The Secretary of State shall immediately send or deliver the copy of the incoming voting list to the clerk for the purpose of updating voter participation history in the central voter registration system. The clerk shall immediately send a receipt to the Secretary of State noting the date and time of delivery of the copy. All challenged and disputed ballots must be packaged separately. The challenged and disputed ballots must be kept until released to the court or to the Senate or the House of Representatives, if applicable, in case of an appeal.

**Sec. 59. 21-A MRSA §760-A, sub-§3, ¶B, as enacted by PL 1995, c. 459, §82, is amended to read:**

B. In a municipality that has an island voting district, the municipal clerk may communicate the information required to process the absentee ballots by telephone to the island warden and notify the island warden of the names of the absentee voters so that the incoming voting list may be marked in accordance with this subchapter.

**Sec. 60. 21-A MRSA §778, sub-§1**, as amended by PL 2003, c. 407, §29, is further amended to read:

**1. Member specially designated.** The registrar shall place designate a uniformed service voter in the central voter registration system with the letter "S" on the voting list beside the name of each uniformed service voter registered under this section.

**Sec. 61. 21-A MRSA §778, sub-§2**, as enacted by PL 2003, c. 407, §29, is amended to read:

**2. Overseas voter specially designated.** The registrar shall place designate an overseas voter in the central voter registration system with the letter "O" on the voting list beside the name of each overseas voter registered under this section.

## SUMMARY

This bill updates the election laws and introduces necessary procedural changes to reflect the changeover from over 500 individual municipal voter lists to the use by all municipalities of the central voter registration system. These changes include adjusting the length of the closed period before each election, standardizing the use and time frame for verifying registrations using the acknowledgement notice and technical changes in terminology from "voting list" to either "incoming voting list" or "central voter registration system." The bill clarifies reporting procedures for the municipalities to the Secretary of State. This bill also establishes the requirements on use and distribution of information contained in the central voter registration system.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 05/27/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 1602

LR 2303(02)

## An Act Regarding Voter Registration Cards

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

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

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### Fiscal Note

Current Cost - State Mandate

Minor cost increase - General Fund

#### State Mandate

##### New or Expanded Activity

Requiring registrars of voters to provide certain acknowledgement notices to voters represents a state mandate; the costs are likely to be insignificant.

##### Unit Affected

Municipality

##### Costs

Insignificant