

1	L.D. 27 Date: 6/13/07 (Filing No. H-568)
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3	LEGAL AND VETERANS AFFAIRS
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	123RD LEGISLATURE
8	FIRST REGULAR SESSION
	COMMITTEE AMENDMENT " a to H.P. 29, L.D. 27, Bill, "An Act To Clarify
9 10	COMMITTEE AMENDMENT "77" " to H.P. 29, L.D. 27, Bill, "An Act To Clarify Election Laws Concerning Election Clerks' Qualifications"
11	Amend the bill by inserting after the title and before the emergency preamble the
12	following:
13	'Mandate preamble. This measure requires one or more local units of government
14	to expand or modify activities so as to necessitate additional expenditures from local
15 16	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
17	each House have determined it necessary to enact this measure.'
18	Amend the bill by striking out everything after the enacting clause and before the
19	emergency clause and inserting the following:
20 21	Sec. 1. 21-A MRSA §503, sub-§1, as repealed and replaced by PL 1995, c. 459, §33, is amended to read:
22	1. Qualifications; appointment; compensation. Election clerks must be at least 18
23	years of age, registered to vote and a resident residents of the municipality, except that, if
24 25	the municipal officers, after providing timely notice to state and local chairs of political parties of the lack of available election clerks, are unable to appoint a sufficient number
26	of election clerks who are residents of the municipality, the municipal clerk may appoint
27	election clerks who are not residents of the municipality but who are residents of the
28 29	<u>county and are otherwise qualified to fill the vacancies</u> . The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election
30	year to serve at each voting place during the time the polls are open and as counters after
31	the polls close. A list of the election clerks appointed by the municipal officers under this
32 33	subsection must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.
34	Sec. 2. 21-A MRSA §503, sub-§2, as amended by PL 2003, c. 584, §4, is further
35	amended to read:

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COMMITTEE AMENDMENT " 10 H.P. 29, L.D. 27

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, <u>county</u> or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

11 B. The municipal officers shall appoint at least one election clerk nominated by the 12 municipal committee of a qualified minor party represented on the last general 13 election ballot for each voting place at the committee's request.

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 perform all the functions of an election clerk as prescribed
by this Title.

18 All nominations for election clerks must be submitted to the municipal officers no later 19 than April 1st of each general election year. If a municipal committee of a major party 20 fails to submit a list of nominees to serve as election clerks, the municipal officers may 21 appoint registered voters enrolled in that party to serve as election clerks.

22 If the municipal officers are unable to appoint a sufficient number of election clerks as set 23 forth in paragraphs A, B and C, they may appoint any other registered voter, as long as 24 the balance between major political parties is maintained. The municipal clerk shall 25 complete a form provided by the Secretary of State when a registered voter changes party 26 enrollment status in order to be available to serve as an election clerk and to maintain a 27 balance between the major political parties and that election clerk participates in the 28 counting of ballots. The form must be included with all ballots separated into lots in 29 accordance with section 695, subsection 2 when an election clerk who has changed party 30 enrollment status as described in this subsection made the count for that lot of ballots and 31 with tabulation results submitted to the Secretary of State. By January 15th after a 32 general election, the Secretary of State shall report to the joint standing committee of the 33 Legislature having jurisdiction over legal affairs the number of forms required by this 34 subsection that were submitted with tabulation results and whether any election that 35 resulted in a recount included ballots that were counted by an election clerk who changed 36 party enrollment status as described in this subsection.'

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SUMMARY

This amendment, which is the minority report of the committee, requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. This amendment also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Finally, this

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1 amendment requires the municipal clerk to provide a written statement when a registered 2 voter changes party enrollment status in order to be available to serve as an election clerk 3 to maintain a balance between the major political parties and that election clerk 4 participates in the counting of ballots. That form must be filed with tabulation results 5 sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This amendment also requires 6 7 the Secretary of State to report how many forms regarding election clerks who changed 8 party enrollment status were submitted.

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FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 27

LR 874(02)

An Act To Clarify Election Laws Concerning Election Clerks' Qualifications

Fiscal Note for Bill as Amended by Committee Amendment "" Committee: Legal and Veterans Affairs Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund