

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1761

H.P. 1227

House of Representatives, March 27, 2007

An Act To Amend the Election Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PATRICK of Rumford.

Cosponsored by Senator MARRACHÉ of Kennebec and

Representatives: Speaker CUMMINGS of Portland, FISHER of Brewer, SAMSON of Auburn,
SIMPSON of Auburn.

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

2 **Sec. 1. 21-A MRSA §1, sub-§13-A** is enacted to read:

3 **13-A. Domestic partner.** "Domestic partner" means one of 2 unmarried adults who
4 are domiciled together under long-term arrangements that evidence a commitment to
5 remain responsible indefinitely for each other's welfare.

6 **Sec. 2. 21-A MRSA §1, sub-§20**, as amended by PL 2001, c. 310, §1, is further
7 amended to read:

8 **20. Immediate family.** "Immediate family" means a person's spouse, parent,
9 grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild,
10 stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law,
11 sister-in-law, son-in-law, daughter-in-law, domestic partner, guardian or former guardian.

12 **Sec. 3. 21-A MRSA §1, sub-§47-B** is enacted to read:

13 **47-B. Voting booth or voting station.** "Voting booth" or "voting station" means the
14 location within a voting place where voters may mark their ballots or record their votes
15 screened from the observation of others. "Voting booth" or "voting station" includes the
16 area, location, booth, table or enclosure where voting takes place and includes any voting
17 machine, voting device or accessible voting system placed in the voting booth or voting
18 station.

19 **Sec. 4. 21-A MRSA §101, sub-§1**, as amended by PL 1997, c. 436, §14, is
20 further amended to read:

21 **1. Qualifications.** The registrar must be a citizen of the United States, a resident of
22 the State and at least 18 years of age. The registrar may not hold or be a candidate for
23 any state, local or county office, or be an officer of a municipal, county or state party
24 committee. The registrar may not be an employee of a party or candidate.

25 **Sec. 5. 21-A MRSA §101, sub-§10** is enacted to read:

26 **10. Ineligible to serve.** When a member of the registrar's immediate family
27 becomes a candidate for state, local or county office in the electoral division in which the
28 registrar is appointed, the registrar may not serve as registrar during the period of that
29 election. The registrar shall instead appoint a deputy to whom the municipality shall pay
30 all associated costs for the duration of the deputy's temporary employment in that
31 capacity.

32 **Sec. 6. 21-A MRSA §103, sub-§6**, as amended by PL 1999, c. 426, §5, is further
33 amended to read:

34 **6. Appeal hearing.** Upon receipt of a complaint by a person aggrieved by the
35 decision of the registrar, the chair of the registration appeals board shall immediately fix a
36 time and place for the board to meet for a prompt hearing. The voter must be given
37 written notice of the hearing at least 20 days in advance and must have the opportunity to

1 testify and to present witnesses and other evidence at the hearing. The hearing is de novo.
2 After hearing, the board may affirm, modify or reverse the decision of the registrar of
3 voters. The aggrieved person may appeal the decision of the board to the Superior Court
4 in accordance with Rule 80B of the Rules of Civil Procedure.

5 **Sec. 7. 21-A MRSA §112, sub-§6**, as amended by PL 1993, c. 695, §3, is further
6 amended to read:

7 **6. Voting in another state.** A person loses the person's voting residence in this
8 State if the person registers to vote in another state or votes in another state's election,
9 either in person or by absentee ballot. That person is not eligible to register or vote in this
10 State until the person again qualifies under section 111.

11 **Sec. 8. 21-A MRSA §122, sub-§1**, as amended by PL 2005, c. 453, §13, is
12 further amended to read:

13 **1. Entry into central voter registration system.** The registrar shall enter the name
14 and other information from the voter registration application of the applicant into the
15 central voter registration system as expeditiously as possible after receipt of a voter
16 registration application. The registrar shall register a person by first name, middle name
17 or initial and last name, ~~or~~ by first name or initial, middle and last name or by first name
18 and last name.

19 **Sec. 9. 21-A MRSA §142, sub-§4** is enacted to read:

20 **4. Effective date of enrollment.** The effective date of a voter's enrollment in a party
21 is the date the registrar receives the voter's properly completed application for enrollment
22 pursuant to this section.

23 **Sec. 10. 21-A MRSA §144**, as amended by PL 2005, c. 453, §§26 and 27, is
24 further amended to read:

25 **§144. Change of enrollment**

26 A voter may change the voter's enrollment anytime after 3 months from the date on
27 which the voter enrolled by filing an application with the registrar personally, by mail or
28 otherwise.

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

33 **2. Party designation removed.** On receipt of the application, the registrar shall
34 remove the party designation of the applicant from the central voter registration system.
35 The registrar shall indicate in the central voter registration system that the applicant is
36 ineligible to vote at a caucus or primary election for 15 days by designating the party
37 enrollment field with the letter "X." Fifteen days after receiving the application, the

1 registrar shall enroll the applicant in the party requested and enter the new party
2 designation in the party enrollment field.

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

5 **3. Restrictions during change of enrollment.** ~~Except as provided in subsection 4, a~~
6 ~~voter~~ During the 15-day period after a voter has filed an application to change enrollment,
7 the voter has no party status and may not vote at a caucus, convention or primary election
8 for 15 days after filing an application to change enrollment or be nominated as a
9 replacement candidate pursuant to section 363. A voter must file an application to
10 change enrollment prior to January 1st to be eligible to file a petition as a candidate in
11 that election year.

12 **4. Change of residence.** When a voter changes his residence from one municipality
13 to another and establishes a new voting residence there, ~~he may enroll in any party and~~
14 ~~vote at a caucus, convention or primary election, or file a petition as a candidate for~~
15 ~~nomination by primary election, regardless of his previous enrollment~~ the voter retains
16 the party enrollment from the prior registration along with the applicable restrictions.

17 **5. Effective date of change of enrollment.** The effective date of a voter's change of
18 enrollment in a party is the 15th day after the date the registrar receives the voter's
19 properly completed application for a change of enrollment pursuant to this section.

20 **Sec. 11. 21-A MRSA §152, sub-§1, ¶A,** as enacted by PL 1985, c. 161, §6, is
21 amended to read:

22 A. First name, middle name or initial and last name, ~~or~~ first name or initial, middle
23 name and last name or first name and last name;

24 **Sec. 12. 21-A MRSA §154, sub-§1, ¶A,** as enacted by PL 1985, c. 161, §6, is
25 amended to read:

26 A. First name, middle name or initial and last name, ~~or~~ first name or initial, middle
27 name and last name or first name and last name;

28 **Sec. 13. 21-A MRSA §161, sub-§4,** as amended by PL 2005, c. 453, §32, is
29 further amended to read:

30 **4. Proof of qualification is requested.** If the registrar is in doubt as to the
31 qualifications of a person to vote, the registrar shall fix a reasonable time and place for a
32 hearing and give written notice of the hearing to the voter at the last known address
33 provided by the voter at least 20 days in advance. The voter must have the opportunity to
34 testify and to present witnesses and other evidence at the hearing. The voter may respond
35 in person or in writing with proof of qualifications prior to the date of the hearing. After
36 the hearing, the registrar shall determine whether the voter has met the voting
37 qualifications and shall act accordingly. If the voter offers satisfactory proof of
38 qualifications to the registrar, either prior to or at the hearing, the registrar may not cancel
39 the voter's registration in the central voter registration system. If the voter fails to offer
40 satisfactory proof of qualifications to the registrar, either prior to or at the hearing, the

1 registrar may cancel the voter's registration in the central voter registration system. If the
2 voter fails to appear at the hearing and the registrar has proof that the voter does not meet
3 the qualifications, the registrar may cancel the voter's registration in the central voter
4 registration system. The registrar shall notify the voter, in writing, of the action taken and
5 advise the voter of the appropriate appeal authority as specified in this Title. If the
6 registrar decides to cancel the voter's registration in the central voter registration system
7 after the hearing and a municipal or state election occurs before the cancelled voter has
8 exhausted all appeals, then the voter remains in the central voter registration system for
9 the election and may cast a challenged ballot.

10 **Sec. 14. 21-A MRSA §163**, as amended by PL 2005, c. 453, §34, is further
11 amended to read:

12 **§163. Appeal**

13 In a municipality that does not have a registration appeals board, if a person is
14 aggrieved by the decision of the registrar of voters to cancel that person's registration in
15 the central voter registration system or to reject that person's registration application, the
16 person may appeal in writing to the municipal officers by filing a complaint. The
17 municipal officers shall immediately fix a time and place for a prompt hearing. The voter
18 must be given written notice of the hearing at least 20 days in advance and must have the
19 opportunity to testify and to present witnesses and other evidence at the hearing. The
20 hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse
21 the decision of the registrar of voters. The aggrieved person may appeal the decision of
22 the municipal officers to the Superior Court in accordance with Rule 80B of the Rules of
23 Civil Procedure.

24 **Sec. 15. 21-A MRSA §196, sub-§2**, as enacted by PL 2005, c. 404, §2, is
25 amended to read:

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

40 **Sec. 16. 21-A MRSA §196, sub-§3**, as enacted by PL 2005, c. 404, §2, is
41 amended to read:

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

8 **Sec. 17. 21-A MRSA §307, sub-§5,** as enacted by PL 2003, c. 447, §10, is
9 amended to read:

10 **5. Use obscene designation.** Consist of or comprise language that is obscene,
11 contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates
12 any other provision of the laws of this State with respect to names.

13 **Sec. 18. 21-A MRSA §354, sub-§1,** as amended by PL 2003, c. 447, §12, is
14 further amended to read:

15 **1. Content.** A nomination petition must contain the name of only one candidate, the
16 candidate's place of residence, the office sought and electoral division. A nomination
17 petition may contain as many separate papers as necessary and may contain the
18 candidate's consent required by section 355. It may also contain the candidate's political
19 designation. This designation may not exceed 3 words in length, may not incorporate the
20 candidate's name or the designation or an abbreviation of the designation of a party that is
21 qualified to nominate candidates by primary election and may not consist of or comprise
22 language that is obscene, contemptuous, profane or prejudicial, promotes abusive or
23 unlawful activity or violates any other provision of the laws of this State with respect to
24 names. A candidate who intends to form a new party about that person's candidacy must
25 use the proposed party's designation.

26 A. When 2 United States Senators or 2 county commissioners are to be nominated,
27 the nomination petition must contain the term of office sought by the candidate.

28 B. The names of presidential electors must be placed on the petition as a slate. The
29 names of the candidates for President and Vice President must be placed on a petition
30 for the nomination of presidential electors.

31 **Sec. 19. 21-A MRSA §363, sub-§5** is enacted to read:

32 **5. Party enrollment of replacement candidate.** A replacement candidate chosen
33 by a political committee under this section must be enrolled in the political party making
34 the replacement nomination as of the time the nomination is made.

35 **Sec. 20. 21-A MRSA §371, first ¶,** as amended by PL 2001, c. 310, §22, is
36 further amended to read:

37 If a candidate for nomination dies, withdraws at least 60 days before the primary or
38 becomes disqualified after having filed the candidate's primary petition, so that a party
39 has fewer candidates than there are offices to be filled, the vacancy may be filled by a
40 political committee pursuant to section 363. The Secretary of State shall declare the

1 vacancy pursuant to section 362-A. A candidate for nomination may not withdraw less
2 than 60 days before the primary election.

3 **Sec. 21. 21-A MRSA §374-A, sub-§3** is enacted to read:

4 **3. Deadline for withdrawal.** A candidate for an office on the general election ballot
5 may not withdraw less than 60 days before the general election.

6 **Sec. 22. 21-A MRSA §383, sub-§1,** as enacted by PL 1985, c. 161, §6, is
7 repealed.

8 **Sec. 23. 21-A MRSA §601, sub-§2,** as amended by PL 2003, c. 584, §§5 and 6,
9 is further amended to read:

10 **2. Content.** The ballot must contain the items listed in this section.

11 A. Instructions must be printed in bold type at the top of the ballot informing the
12 voter how to designate the voter's choice on the ballot.

13 B. The ballot must contain the legal name, without any title, and place of residence
14 of each candidate, arranged alphabetically with the last name first, under the proper
15 office designation. The initial letters of the last names of the candidates must be
16 printed directly beneath each other in a vertical line. The names of candidates for any
17 one office may not be split into more than one column regardless of number. The
18 name of each candidate may be printed on the ballot in only one space. For the
19 general election ballot, the party or political designation of each candidate must be
20 printed with each candidate's name. The party or political designation may be
21 abbreviated.

22 B-1. The candidate's name listed on the ballot must be the one approved by the
23 Probate Court, pursuant to Title 18-A, section 1-701, or, in the absence of an
24 applicable court order, the name consistently used by the candidate during the past 2
25 years in filings with governmental agencies and in the transaction of public business,
26 including without limitation transactions relating to voter registration; motor vehicle
27 registrations; driver licenses; a passport; professional licenses; local, state or federal
28 permits of any kind; public benefit programs; and veterans' benefits and social
29 security. If requested by the Secretary of State when there is a question concerning
30 which name should be listed on the ballot, it is the obligation of the candidate to
31 provide documentation to demonstrate consistent use of a particular name.

32 C. When 2 United States Senators are to be nominated, the term of office sought by
33 each candidate must be specified on the ballot.

34 D. At the end of the list of candidates for each office, there must be left as many
35 blank spaces as there are vacancies to be filled. These spaces may be used by a voter
36 to write in ~~or paste a sticker with~~ the name and municipality of residence of ~~any~~ a
37 person for whom the voter desires to vote, as provided in section 691, subsection 2
38 for a primary election or section 692, subsection 2 for a general election.

39 E. Words of explanation such as, "Vote for one" or "Vote for not more than 2" must
40 be printed on the ballot to assist the voter in voting correctly.

- 1 F. There must be a place on the ballot for the voter to designate the voter's choice.
- 2 G. There must be a heading on the ballot that contains the title of the election, ~~the~~
3 ~~name of the political party~~, the name of the voting district or districts for which the
4 ballot was prepared, the date of the election and a facsimile of the state seal. For each
5 party's primary ballot, the ballot heading must contain the name of the political party
6 participating in the primary.
- 7 H. The name of each nominee must appear on the ballot as follows: last name first
8 followed by the first name and middle name or initial; ~~or~~ last name first followed by
9 the first name or the first initial and the middle name; or last name first followed by
10 the first name.
- 11 I. For ballots that are double sided, each side of the ballot must include a clearly
12 printed message at the bottom of the ballot reminding the voter to mark both sides of
13 the ballot.

14 **Sec. 24. 21-A MRSA §601, sub-§3**, as amended by PL 2001, c. 310, §29, is
15 further amended to read:

16 **3. Order of offices.** The order of offices on the ballot is as follows: President,
17 United States Senator, Governor, Representative to Congress, State Senator and
18 Representative to the Legislature ~~followed by, and~~ in the following
19 order: judge of probate, register of probate, county treasurer, register of deeds, sheriff,
20 district attorney and county commissioner.

21 **Sec. 25. 21-A MRSA §603, sub-§1, ¶A**, as amended by PL 1997, c. 436, §77, is
22 further amended to read:

23 A. The words "SAMPLE BALLOT" in bold type, the title and date of the election,
24 and the name of the voting district must be printed at the top of the ballot. The
25 facsimile of the state seal may not be printed on it. It must be printed flat ~~with the~~
26 ~~back blank~~. Otherwise, it must be printed substantially the same as a regular ballot.

27 **Sec. 26. 21-A MRSA §603, sub-§2**, as amended by PL 1997, c. 436, §77, is
28 further amended to read:

29 **2. When furnished.** The Secretary of State shall send a reasonable number of
30 sample ballots to the clerk for postings, as provided in section 625, and ~~an additional~~
31 ~~number with the regular ballots~~ for voter information.

32 **Sec. 27. 21-A MRSA §605, sub-§4** is enacted to read:

33 **4. Secretary of State to determine format.** The Secretary of State shall determine
34 the format of all instructional materials and posters and may combine similar materials
35 into one notice or poster.

36 **Sec. 28. 21-A MRSA §606**, as amended by PL 2005, c. 568, §13, is further
37 amended to read:

1 **§606. Materials furnished**

2 Within a reasonable time before any election, the Secretary of State shall furnish each
3 municipality with official ballots and sample ballots, including a sufficient number to be
4 used for testing electronic tabulating systems or other voting devices, if applicable,
5 instruction posters, election return forms, posters for constitutional resolutions and
6 statewide referenda, including the Attorney General's explanatory statements prepared
7 under Title 1, section 353, materials setting forth the full text of all constitutional
8 resolutions and statewide referenda and other materials necessary for conducting and
9 reporting the results of the election.

10 **1. Number of ballots furnished.** The Secretary of State shall review the number of
11 votes cast at the last election of that type as well as current registration and enrollment
12 statistics in each voting district when determining the number of ballots to be furnished to
13 each municipality. If the clerk believes that extra ballots will be needed, the clerk must
14 request them from the Secretary of State a reasonable time before the election. The
15 Secretary of State may send the requested number to the clerk and may furnish as many
16 additional ballots as the Secretary of State believes necessary.

17 **2. How packaged.** The ballots must be packed in sealed, marked packages in units
18 as determined by the Secretary of State. The other election materials must be separately
19 packed in a sealed package or packages or box or boxes and sent to the clerk of each
20 municipality. Each package or box must be labeled on the outside with each kind of
21 material enclosed and the name of the voting place for which it is intended.

22 **3. Receipt issued; inspection of ballots in an election.** Upon receipt of a package
23 or box containing absentee ballots or blank absentee ballots for an election, the clerk shall
24 open the sealed package or box of ballots and verify that the ballots do not contain any
25 errors and that the correct number of ballots has been received. The clerk shall
26 immediately notify the Secretary of State if a ballot is incorrect or if the correct number
27 of ballots has not been received and shall also immediately send the Secretary of State a
28 receipt for the absentee ballots received noting any discrepancies on the receipt. The
29 clerk shall then proceed to issue absentee ballots or blank absentee ballots in response to
30 pending requests. Upon receipt of a package or box containing regular ballots for an
31 election, the clerk shall open, in the presence of one or more witnesses, the sealed
32 package or box of ballots and verify that the ballots do not contain any errors and that the
33 correct number of ballots has been received. The clerk shall immediately notify the
34 Secretary of State if a ballot is incorrect or if the correct number of ballots has not been
35 received. Ballots to be used for testing electronic tabulating systems or other voting
36 devices may be removed at this time and immediately marked as provided by subsection
37 3-A. The clerk shall complete the clerk's portion of the warden's receipt of ballots and
38 shall then reseal the package or box of regular ballots and secure the package or box of
39 ballots until election day when it is delivered to the warden at the polling place.

40 **3-A. Use of test ballots in an election.** Ballots may be used to test electronic
41 tabulating systems or other voting devices under ~~section 854~~ this Title. In the presence of
42 one or more witnesses, the clerk shall clearly mark each ballot used for testing with the
43 word "TEST" across the front side of the ballot in black or blue indelible ink. The clerk
44 shall keep a record of the number of ballots used for testing purposes and seal the record

1 with the test ballots in a container labeled "TEST BALLOTS" at the conclusion of the
2 testing.

3 **4. Records kept.** The Secretary of State shall keep a record of the time when and
4 the manner in which the ballots were furnished to each voting place.

5 **5. Reproducing official ballots.** It is unlawful for ~~any~~ a person to copy or
6 reproduce an unmarked official ballot without the express authorization of the Secretary
7 of State.

8 **Sec. 29. 21-A MRSA §627, sub-§4,** as amended by PL 2001, c. 310, §33, is
9 further amended to read:

10 **4. Minimum size of polling place; complaint to Secretary of State.** Municipalities
11 must provide a polling place large enough to allow at least one worker from each political
12 party to remain outside the guardrail enclosure as a pollwatcher. If the municipality uses
13 an incoming voting list for a polling place that is divided into separate segments by
14 voting district or by the alphabetic listing of voters' names, then the municipality must
15 allow at least one worker from each political party to remain outside the guardrail
16 enclosure as a pollwatcher at each separate segment of the voting list. Additional party
17 workers and others are allowed if there is sufficient space at the polling place. If the
18 space at the polling place is so limited that the presence of the additional party workers
19 and others would interfere with the election process, the warden shall prohibit their
20 presence. If the chair of any party's state committee submits a written complaint to the
21 Secretary of State at least 60 days before an election, the Secretary of State shall
22 authorize an inspection of the polling place considered to be too small to allow party
23 workers access. If the Secretary of State finds a polling place to be too small to allow
24 party workers access, the Secretary of State shall instruct the municipal officers to change
25 the location of the polling place to one of a suitable size. The municipal officers ~~must~~
26 shall advertise the change of the polling place at least 3 times in the daily or weekly
27 newspaper, or both, that covers the area.

28 **Sec. 30. 21-A MRSA §629, sub-§1, ¶A-1,** as enacted by PL 2003, c. 407, §18, is
29 amended to read:

30 A-1. In every election, the municipal officers shall provide at least one voting booth
31 in each voting place that is accessible for persons with disabilities. The accessible
32 voting booth may be used to meet the minimum requirements under paragraph A,
33 except that it may not be the only voting booth used at the polling place.

34 **Sec. 31. 21-A MRSA §629, sub-§4,** as amended by PL 1997, c. 436, §90, is
35 further amended to read:

36 **4. Booth for the visually impaired.** The clerk shall equip at least one of the voting
37 booths at the voting place with an enlarged instruction poster, a magnifying device and an
38 adjustable lamp for improved lighting. The clerk may also equip the voting booth with an
39 enlarged sample ballot at the clerk's own discretion. The voting station provided by the
40 State along with the accessible voting device may be used to meet the requirements of

1 this subsection. The voting station may not be used at the polling place for purposes other
2 than voting.

3 **Sec. 32. 21-A MRSA §631, sub-§1**, as amended by PL 1999, c. 426, §20, is
4 further amended to read:

5 **1. Procedure.** The municipal officers may divide a town or ward into convenient
6 voting districts after public notice and hearing held at least 90 days before ~~any an~~ an
7 election. After the hearing, the municipal officers ~~must shall~~ shall prepare a certificate
8 defining the limits of each district. ~~They must~~ The municipal officers shall file the
9 certificate with the clerk who shall record it. The clerk shall immediately file an attested
10 copy of the certificate with the Secretary of State. The clerk shall post an attested copy of
11 the certificate in a conspicuous, public place in the town or ward, and shall publish it in at
12 least one newspaper having general circulation in the municipality at least 30 days before
13 election day. Voting districts, once established, may be consolidated into a lesser
14 number of districts by following the same procedure. Voting districts may be established
15 or consolidated under this section for all or only certain classes of elections. ~~If the~~
16 ~~municipal officers determine that there is no building within a voting district that is~~
17 ~~suitable for a voting place, as described in section 627, the municipal officers may,~~
18 ~~subject to the approval of the Secretary of State, establish a voting place outside the~~
19 ~~voting district in a suitable building that is as close as possible to the voting district and as~~
20 ~~convenient as possible to the voters of the voting district.~~

21 **Sec. 33. 21-A MRSA §631-A** is enacted to read:

22 **§631-A. Voting places**

23 **1. Establishing suitable voting places.** If the municipal officers determine that
24 there is no building within a voting district that is suitable for a voting place, as described
25 in section 627, the municipal officers may, subject to the approval of the Secretary of
26 State, establish a voting place outside the voting district in a suitable building that is as
27 close as possible to the voting district and as convenient as possible to the voters of the
28 voting district.

29 **2. Consolidating voting places.** The municipal officers may, after public notice and
30 hearing held at least 90 days before an election, and subject to the approval of the
31 Secretary of State, consolidate voting places so that more than one voting district votes in
32 the same voting place. When voting places are consolidated under this process, the voters
33 from the different voting districts may vote in the same or separate guardrail enclosures in
34 the building.

35 **Sec. 34. 21-A MRSA §671, sub-§3**, as enacted by PL 1985, c. 161, §6, is
36 amended to read:

37 **3. Ballot issued.** The election clerk in charge of the ballots shall give the voter one
38 ballot of each kind to which ~~he~~ the voter is entitled. The election clerk in charge of the
39 ballots may not give a voter voting with the accessible voting system a ballot. Instead, an
40 election official shall escort the voter to the voting station containing the accessible
41 voting system, instruct the voter on its proper use and provide the voter with access to all

1 ballots to which the voter is entitled. The voter shall cast the voter's ballot using the
2 accessible voting system.

3 **Sec. 35. 21-A MRSA §672**, as amended by PL 1993, c. 255, §4, is further
4 amended to read:

5 **§672. Assistance**

6 A voter who is unable to read or mark ~~his~~ the ballot because of physical disability,
7 illiteracy or religious faith may request another person, other than the voter's employer or
8 agent of that employer or officer or agent of the voter's union, to assist the voter in
9 reading the ballot or marking the ballot according to the voter's wishes. When assisting a
10 voter, the aide may not tell the voter how to make the voter's choices or otherwise
11 influence the voter in violation of section 682.

12 **1. Assistance by election officials.** The voter may request one or more election
13 officials to assist.

14 **2. Assistance by persons not voters.** The assistant need not be a voter or of voting
15 age.

16 ~~**3. Assistance in reading the ballot.** A voter who is illiterate or visually impaired or~~
17 ~~has another disability that makes it difficult to read a ballot may request that the ballot be~~
18 ~~read to that voter.~~

19 **Sec. 36. 21-A MRSA §673, first ¶**, as enacted by PL 1985, c. 161, §6, is
20 amended to read:

21 A voter of ~~any~~ a municipality or an election official may challenge the right of
22 another to vote at ~~any~~ an election in that municipality.

23 **Sec. 37. 21-A MRSA §673, sub-§1, ¶A**, as repealed and replaced by PL 2003, c.
24 688, Pt. B, §6, is amended to read:

25 A. A voter or an election official may challenge another voter only upon personal
26 knowledge or a reasonably supported belief that the challenged voter is unqualified.
27 Only the following reasons for challenges may be accepted by the warden. The
28 challenged person:

- 29 (1) Is not a registered voter;
- 30 (2) Is not enrolled in the proper party, if voting in a primary election;
- 31 (3) Is not qualified to be a registered voter because the challenged person:
- 32 (a) Does not meet the age requirements as specified in sections 111,
33 subsection 2 and section 111-A;
- 34 (b) Is not a citizen of the United States; or
- 35 (c) Is not a resident of the municipality or appropriate electoral district
36 within the municipality;

1 (4) Registered to vote during the closed period or on election day and did not
2 provide satisfactory proof of identity and residency to the registrar pursuant to
3 section 121, subsection 1-A, except that only an election official may challenge
4 for this reason;

5 (5) Did not properly apply for an absentee ballot;

6 (6) Did not properly complete the affidavit on the absentee return envelope;

7 (7) Did not cast the ballot or complete the affidavit before the appropriate
8 witness;

9 (8) Communicated with someone as prohibited by section 754-A, subsection 1,
10 paragraph B or subsection 3, paragraph B or D;

11 (9) Did not have the ballot returned to the clerk by the time prescribed;

12 (10) Voted using the name of another;

13 (11) Committed any other specified violation of this Title; or

14 (12) Voted using the wrong ballot for the appropriate electoral district or
15 political party, if applicable.

16 **Sec. 38. 21-A MRSA §673, sub-§7** is enacted to read:

17 **7. Hearing held.** After the election at which a voter has been challenged, the
18 registrar shall hold a hearing to confirm the qualifications of the challenged voter
19 pursuant to section 161, subsection 4. The qualifications of the voter must be resolved
20 within a reasonable time after the election and the voter's name either retained or
21 cancelled from the central voter registration system.

22 **Sec. 39. 21-A MRSA §681, sub-§3, ¶A,** as enacted by PL 1985, c. 161, §6, is
23 amended to read:

24 A. If the voter requests assistance under section 672, ~~a proper~~ an election official
25 designated by the warden or an aide requested by the voter may enter the voting
26 booth with the voter.

27 **Sec. 40. 21-A MRSA §681, sub-§4,** as enacted by PL 1985, c. 161, §6, is
28 amended to read:

29 **4. Outside the guardrail enclosure.** ~~Party~~ If sufficient space exists, party workers
30 and others, in addition to the pollwatchers allowed pursuant to section 627, may remain in
31 the voting place outside the guardrail enclosure as long as they do not attempt to
32 influence voters or interfere with their free passage. ~~If any~~ a person attempts to influence
33 voters or interfere with their free passage, the warden shall have ~~him~~ the person removed
34 from the voting place.

35 **Sec. 41. 21-A MRSA §682, sub-§3, ¶A,** as repealed and replaced by PL 2003, c.
36 447, §22, is amended to read:

37 A. This subsection does not apply to advertising material on automobiles traveling
38 to and from the voting place. ~~It does not prohibit a person from passing out stickers~~

1 at the voting place to be pasted on the ballot at a primary election. It does not
2 prohibit a person who is at the polls solely for the purpose of voting from wearing a
3 campaign button when the longest dimension of the button does not exceed 3 inches.

4 **Sec. 42. 21-A MRSA §691, sub-§2**, as amended by PL 1993, c. 473, §21 and as
5 affected by §46, is further amended to read:

6 **2. Write-in vote.** If the voter wishes to vote for a person whose name is not on the
7 ballot, the voter must write the name and municipality of residence ~~or paste a sticker~~
8 ~~containing the name and municipality of residence~~ in the blank space provided at the end
9 of the list of candidates for nomination to the office in question. The voter must then
10 mark the ballot as instructed in the directions on the ballot to indicate a vote for the write-
11 in candidate.

12 **Sec. 43. 21-A MRSA §696, sub-§2, ¶D**, as amended by PL 2005, c. 568, §16, is
13 further amended to read:

14 D. If a voter writes in a name and municipality of residence, ~~or pastes a sticker~~
15 ~~containing the candidate's name and municipality of residence~~ in the write-in space
16 pursuant to section 691, but does not mark the write-in indicator, that vote for that
17 office may not be counted.

18 **Sec. 44. 21-A MRSA §696, sub-§2, ¶E**, as amended by PL 2005, c. 404, §3, is
19 further amended to read:

20 E. If a voter writes in a write-in space a fictitious name, the name of a deceased
21 person, the name of a person who has not filed a declaration of write-in candidacy as
22 provided by section 722-A or the name of a person from outside the State who ~~could~~
23 ~~not~~ is not qualified to be a candidate for that office, the vote for that office may not be
24 counted.

25 **Sec. 45. 21-A MRSA §711, sub-§3**, as repealed and replaced by PL 2001, c. 310,
26 §48, is amended to read:

27 **3. Clerk to record.** The clerk shall record the attested copies of the election return
28 with the Secretary of State within 3 business days after election day.

29 **Sec. 46. 21-A MRSA §722-A**, as enacted by PL 1999, c. 426, §24, is amended to
30 read:

31 **§722-A. Determination of write-in candidate**

32 To be considered a valid write-in candidate, a person must file a declaration of write-
33 in candidacy with the Secretary of State, on a form approved by the Secretary of State,
34 ~~either before the election or no later than 3 business days after the election~~ on or before 5
35 p.m. on the 3rd business day prior to the election. The candidate must meet all the other
36 qualifications for that office.

37 **Sec. 47. 21-A MRSA §753-B, sub-§1**, as amended by PL 2003, c. 447, §30, is
38 further amended to read:

1 **1. Application or written request received.** Upon receipt of an application, written
2 request or telephone application for an absentee ballot that is accepted pursuant to section
3 753-A, the clerk shall immediately issue an absentee ballot and return envelope by mail
4 or in person to the applicant or to the immediate family member or to a 3rd person
5 designated in a written application or request made by the voter, except that the clerk
6 does not have to issue a ballot by mail to an address outside the municipality for a voter
7 whose request was received on the day before election day or to any voter whose request
8 was received on election day. The clerk shall type or write in ink the name and the
9 residence address of the voter in the designated section of the return envelope.

10 **Sec. 48. 21-A MRSA §753-B, sub-§8,** as amended by PL 2005, c. 568, §19, is
11 further amended to read:

12 **8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee
13 ballot may, without completing an application, vote by absentee ballot in the presence of
14 the clerk, starting as soon as the ballots are available in the clerk's office and ending at the
15 close of business on the 2nd business day before the election. On the day before election
16 day and on election day, absentee voting is limited to ballots requested in writing
17 pursuant to section 753-A and issued pursuant to this section for voting outside the
18 presence of the clerk. The method of voting is otherwise as prescribed in this article.
19 After the person has voted, the clerk shall sign the affidavit on the return envelope as a
20 witness, indicate on the envelope that the voter voted in the presence of a clerk and
21 ensure that the affidavit on the return envelope is properly completed by the voter. For
22 the 45 days preceding an election, during the hours when the clerk's office is open and
23 may be conducting absentee voting, the display or distribution of ~~any~~ advertising material
24 intended to influence a voter's decision regarding a candidate or question on the ballot for
25 that election is prohibited within the clerk's office and on public property within 250 feet
26 of the entrance to the building in which the clerk's office is located.

27 This subsection does not apply to the display or distribution of ~~any~~ campaign advertising
28 material on private property that is within 250 feet of the entrance to the building in
29 which the clerk's office is located.

30 This subsection does not apply to campaign advertising material on automobiles traveling
31 to and from the municipal office or parked on municipal property while the occupants are
32 visiting the municipal office to conduct municipal business. It does not prohibit a person
33 who is at the municipal office for the purpose of conducting municipal business or for
34 absentee voting from wearing a campaign button when the longest dimension of the
35 button does not exceed 3 inches.

36 **Sec. 49. 21-A MRSA §759, sub-§2,** as amended by PL 1995, c. 459, §77, is
37 further amended to read:

38 **2. Accepted if correct.** If the warden finds that the affidavit is properly completed,
39 that the clerk has verified that the signature on the envelope matches the signature on the
40 application where applicable, that the person is registered and enrolled where necessary,
41 the warden shall then examine the incoming voting list to determine whether the voter
42 voted in person at the election. The warden shall then announce the name of each
43 absentee voter who has not voted at the election and remove each ballot from its envelope

1 without destroying the envelope or unfolding the ballot. After having an election clerk
2 from a political party different from that of the warden mark the letters "AV" beside the
3 name of each absentee voter on the incoming voting lists and place a check mark or
4 horizontal line in red ink on the list beside the voter's name, the warden shall accept the
5 ballot.

6 **Sec. 50. 21-A MRSA §759, sub-§4**, as enacted by PL 1985, c. 161, §6, is
7 amended to read:

8 **4. Warden to check absentee ballot for correct party or district.** At a primary
9 election when the warden removes a ballot from its envelope, ~~he~~ the warden shall check
10 its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, ~~he~~
11 the warden shall immediately replace it in its envelope, reseal the envelope and write
12 "Rejected" on it, the reason why and ~~his~~ the warden's initials. At a primary or general
13 election in a municipality that has more than one voting district, when the warden
14 removes a ballot from its envelope, the warden shall check its color to be sure it is the
15 ballot of the district in which the voter is registered. If it is not, the warden shall
16 immediately replace it in its envelope, reseal the envelope and write "Rejected" on it, the
17 reason why and the warden's initials.

18 **Sec. 51. 21-A MRSA §762, sub-§1**, as enacted by PL 1985, c. 161, §6, is
19 amended to read:

20 **1. Name and address.** The voter's name and ~~legal~~ residence address typed or
21 written in ink by the clerk in the ~~upper left hand corner~~ designated section of the return
22 envelope;

23 **Sec. 52. 21-A MRSA §808, sub-§1-A** is enacted to read:

24 **1-A. Accessible voting system.** "Accessible voting system" means a voting system
25 that is accessible for individuals with disabilities, including nonvisual accessibility for the
26 blind and visually impaired, in a manner that provides the same opportunity for access
27 and participation, including privacy and independence, as for other voters.

28 **Sec. 53. 21-A MRSA §808, sub-§12** is enacted to read:

29 **12. Voting system.** "Voting system" means the total combination of mechanical,
30 electromechanical or electronic equipment, including the software, firmware and
31 documentation required to program, control and support the equipment, that is used to
32 define or produce ballots, to cast and count votes, to report or display election results and
33 to maintain and produce any audit trail information.

34 **Sec. 54. 21-A MRSA §809-A, sub-§1-A**, as enacted by PL 2005, c. 683, Pt. L,
35 §1, is amended to read:

36 **1-A. Prohibition not applicable.** For the purpose of providing a voting system
37 equipped for individuals with disabilities as required by section 812-A, subsection 1 and
38 the federal Help America Vote Act of 2002, Public Law 107-252, the prohibition in
39 subsection 1 does not apply to the connection of individual voting devices to a central

1 server using a wired, point-to-point telephone connection that is not Internet-enabled
2 when the central server is operated or managed by the Secretary of State.

3 ~~This subsection is repealed 90 days after the adjournment of the First Regular Session of~~
4 ~~the 123rd Legislature.~~

5 **Sec. 55. 21-A MRSA §812, sub-§10**, as amended by PL 2005, c. 445, §1, is
6 further amended to read:

7 **10. Paper audit trail.** Except for an accessible voting equipment system that must
8 be provided by 2006 in compliance with the federal Help America Vote Act of 2002 as
9 provided in section 812-A, subsection 1, it must produce or employ permanent paper
10 records of the votes cast that are able to be verified by individual voters before their votes
11 are cast and that provide a manual audit capacity for the machine. In the case of direct
12 recording electronic voting machines, those records must also identify the individual
13 machines that produced them without revealing the identities of the voters who cast the
14 ballots. In all cases, these records must be reviewed in the event of a recount and
15 considered in conjunction with the machine-produced tally.

16 **Sec. 56. 21-A MRSA §812-A**, as amended by PL 2005, c. 445, §2, is further
17 amended to read:

18 **§812-A. Accessible voting system**

19 **1. Accessible voting system at each polling place.** The Secretary of State, in
20 compliance with the voting accessibility requirements of the federal Help America Vote
21 Act of 2002, shall provide one direct recording electronic voting machine, or other
22 accessible voting system equipped for individuals with disabilities, for use at each polling
23 place used in the conduct of state elections. Such machines must produce permanent
24 paper records that provide a manual audit capacity for the machines and must also
25 provide voters with audio functions that enable the voters to verify their ballots aurally
26 before the votes are cast, and all such machines must meet the requirements of section
27 812, subsection 10 unless the Secretary of State is unable to procure machines that the
28 Secretary of State determines are adequate to meet the requirements of this section and
29 section 812 in time to comply with the Help America Vote Act of 2002.

30 Additional accessible voting machines may be used in the conduct of state elections, but
31 those machines must meet the requirements set forth in section 812.

32 **Sec. 57. 21-A MRSA §901, sub-§5**, as enacted by PL 1993, c. 352, §1, is
33 amended to read:

34 **5. Summary of proposal.** For a direct initiative, the Secretary of State shall request
35 the Revisor of Statutes to recommend a concise summary that objectively describes the
36 content of the proposed law. The Secretary of State shall approve or amend the summary
37 and the summary must be ~~attached to the end of the proposed law~~ printed on the petition
38 as required by section 901-A.

39 **Sec. 58. 21-A MRSA §903-A, sub-§1**, as amended by PL 1997, c. 637, §1, is
40 repealed.

Sec. 59. 21-A MRSA §903-A, sub-§2, as amended by PL 1997, c. 637, §1, is repealed.

Sec. 60. 21-A MRSA §904, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§904. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

A. Knowingly signs an initiative or referendum petition with a name other than the person's own name; or

B. Knowingly signs the person's name more than once on initiative or referendum petitions for the same measure.

2. Class D crime. A person commits a Class D crime if that person:

A. Circulates an initiative or referendum petition and willfully swears that a signature to the petition was made in the circulator's presence when it was not;

B. Circulates an initiative or referendum petition and swears that a signature is that of a person whose name it purports to be when the circulator knows that the signature is not that of the person; or

C. Is authorized by law to administer oaths and willfully and falsely acknowledges the oath of a circulator of an initiative or referendum petition when that oath was not made in the presence of that person.

SUMMARY

This bill adds a definition for "domestic partner" and includes a domestic partner in the definition of "immediate family." The bill also adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system." The bill clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted. The bill specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot. The bill clarifies the requirements for change of enrollment, including the restrictions during the 15-day period until the change becomes effective. The bill also makes the language on prohibited party names or political designations consistent with other laws on prohibited names. The bill prohibits a candidate from withdrawing less than 60 days before a primary or general election. The bill clarifies the Secretary of State's authority to determine the format of all instructional election materials. The bill clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one pollwatcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the

1 alphabetic listing of the voters' names. This bill clarifies the requirements for the
2 accessible voting system and prohibits the municipality from using the accessible voting
3 system for purposes other than voting. This bill also clarifies the process for establishing
4 and consolidating voting places, as distinct from the process of establishing or
5 consolidating voting districts. It also clarifies the process for facilitating a voter's use of
6 the accessible voting system. The bill clarifies how a voter may receive assistance from
7 another person in voting. This bill clarifies the process for an election official to
8 challenge a voter as well as the process for the registrar to resolve the status of challenged
9 voters after the election. The bill eliminates the use of stickers for write-in candidates at
10 a primary election. It also changes the deadline for a write-in candidate to file a
11 declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election
12 and provides that a write-in vote may not be counted as valid unless the name is of a
13 person who has filed a declaration of write-in candidacy by the deadline. This bill
14 restricts absentee voting on the day before election day and on election day to ballots
15 requested in writing and issued for voting outside the presence of the clerk and further
16 provides that a clerk does not have to issue a ballot by mail if the request is received on
17 election day or on the day before election day if the voter is outside the municipality.