

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1921

H.P. 1358

House of Representatives, June 7, 2007

An Act Regarding the Central Voter Registration System

(EMERGENCY)

Reported by Representative PATRICK of Rumford for the Joint Standing Committee on Legal and Veterans Affairs pursuant to Joint Order 2007, H.P. 1329.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Maine Revised Statutes, Title 21-A governs the conduct of statewide
4 elections in the State, including requirements for use and distribution of information from
5 the central voter registration system; and

6 **Whereas,** changes to the requirements for the central voter registration system must
7 be in place as soon as possible in order for the Secretary of State to properly administer
8 these laws and produce statewide and district voter lists and files and for the municipal
9 election officials to produce municipal voter lists and files for dissemination to the public
10 in support of campaigns for federal, state and local offices; and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

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

16 **Sec. 1. 21-A MRSA §195,** as amended by PL 2005, c. 453, §44, is further
17 amended to read:

18 **§195. Report**

19 The Secretary of State ~~shall report~~ annually, by March 1st, to the joint standing
20 committee of the Legislature ~~having~~ jurisdiction over voter registration matters on the
21 ~~progress of the implementation of the~~ administration of the central voter registration
22 system developed pursuant to this subchapter. The report may include public access to
23 the information from the central voter registration system, taking into consideration the
24 compelling state interests to prevent voter fraud and the potential disenfranchisement of
25 voters and to ensure that voters are not discouraged from participating in the voting
26 process. The report may include suggested legislation necessary to ~~implement or~~
27 administer the central voter registration system. The committee may report out
28 legislation regarding the central voter registration system to the Legislature during the
29 First Regular Session of the 121st Legislature and any subsequent Legislature.

30 **Sec. 2. 21-A MRSA §196,** as enacted by PL 2005, c. 404, §2 and amended c. 568,
31 §10, is further amended to read:

32 **§196. Use and distribution of central voter registration information**

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

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

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

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

35 **4. Fees.** ~~The fee for information provided pursuant to this section in electronic form~~
36 ~~is 5¢ per record for up to 100 records and 1¢ per record for any additional records~~
37 ~~requested. The fee for information provided in printed form is \$1 for the first page and~~
38 ~~25¢ per page for all additional pages, except that the fee for additional pages of mailing~~
39 ~~labels is 50¢ per page. For the purpose of calculating fees pursuant to this section, a~~
40 ~~record includes the information on one individual voter. Fees paid to the Secretary of~~
41 ~~State must be deposited into a dedicated fund to offset the cost of providing the~~
42 ~~information and maintaining the central voter registration system. Municipalities A~~
43 ~~municipality may provide any of the information contained in the incoming voting list to~~
44 ~~requestors free of charge~~ keep the fees paid to the municipality. The fee for information
45 provided pursuant to this section is as follows:

1 A. The fee for information provided in printed form is \$1 for the first page and 25¢
2 per page for all additional pages, except that the fee for additional pages of mailing
3 labels is 75¢ per page; and

4 B. The fee for information provided in electronic form is based on the number of
5 records requested. The fee entitles the requestor to receive the initial electronic
6 report or file and, upon request, up to 4 updates free of charge during the subsequent
7 12-month period, except that no more than one free update may be requested during
8 the 30 days prior to an election. The fee schedule is as follows:

- 9 (1) For 900,001 or more voter records, \$2,000;
- 10 (2) For 600,001 to 900,000 voter records, \$1,500;
- 11 (3) For 400,001 to 600,000 voter record, \$1,000;
- 12 (4) For 250,001 to 400,000 voter records, \$750;
- 13 (5) For 150,001 to 250,000 voter records, \$500;
- 14 (6) For 100,001 to 150,000 voter records, \$250;
- 15 (7) For 75,001 to 100,000 voter records, \$200;
- 16 (8) For 50,001 to 75,000 voter records, \$165;
- 17 (9) For 35,001 to 50,000 voter records, \$125;
- 18 (10) For 25,001 to 35,000 voter records, \$75;
- 19 (11) For 15,001 to 25,000 voter records, \$50;
- 20 (12) For 7,501 to 15,000 voter records, \$30;
- 21 (13) For 1,001 to 7,500 voter records, \$20; or
- 22 (14) For 1 to 1,000 voter records, \$10.

23 Municipalities may provide any of the information contained in the incoming voting list
24 to requestors free of charge.

25 **5. Supplemental information for candidates.** Any candidate in a primary or
26 general election for a state or federal office who has purchased a list or report of voter
27 information ~~for registered voters in that municipality~~ from the central voter registration
28 system pursuant to this section is entitled to obtain a list of all additions, deletions and
29 changes to the purchased list or report for the following periods of time upon request and
30 free of charge, except that the candidate may not request or receive the free updates more
31 than once per 30-day period.

32 A. A candidate in a primary election is entitled to the list of additions, deletions and
33 changes under this subsection from the time of becoming a declared candidate in that
34 primary election until the day of the primary election. A candidate who is nominated
35 in that primary election to be a candidate in the general election is entitled to those
36 additions, deletions and changes from the day of the primary until the day of the
37 general election.

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

4 **6. Response to requests.** Municipal registrars and the Secretary of State's office
5 shall respond to all requests for information from the central voter registration system
6 pursuant to this section within 5 business days of receipt of a written request and upon
7 payment of any applicable fee. A municipal registrar may only provide information
8 concerning voters registered within that municipal jurisdiction. The Secretary of State
9 may design a form to be used for public requests for information or lists from the central
10 voter registration system.

11 **7. Restrictions on use and redistribution of data.** Information obtained from the
12 central voter registration system pursuant to this section may not be used for any
13 commercial purpose, including, but not limited to, the sales and marketing of products
14 and services, or for solicitations of any kind not directly related to activities of a political
15 party, so-called "get out the vote" efforts or activities directly related to a campaign ~~as~~
16 ~~defined in section 1052.~~ Any person obtaining information from the central voter
17 registration system is prohibited from selling or distributing it to others to use for
18 commercial purposes and also is prohibited from making publicly available the dates of
19 birth or mailing addresses of individual voters. This subsection does not prohibit political
20 parties, party committees, candidate committees, political action committees or any other
21 organizations that have purchased information from the central voter registration system
22 from providing access to such information to their members for purposes directly related
23 to party activities, "get out the vote" efforts or a campaign ~~as defined in section 1052.~~
24 This subsection also does not prohibit private vendors from using information obtained
25 from the central voter registration system to perform services for a political party, "get
26 out the vote" effort or campaign. For purposes of this subsection, "campaign" has the
27 same meaning as in section 1052.

28 **8. Limited access for law enforcement purposes.** Any information pertaining to
29 individual voters, other than Address Confidentiality Program participants, that is
30 contained in the central voter registration system may be made available free of charge to
31 a law enforcement officer or agency that makes a written request to use the information
32 for a bona fide law enforcement purpose or to a person identified by a court order if
33 directed by that order. Information pertaining to individual voters who are Address
34 Confidentiality Program participants that is contained in the central voter registration
35 system may be made available for inspection to a law enforcement agency that is
36 authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address
37 Confidentiality Program information.

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

