MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

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H.P. 1496	House of Representatives, December 31, 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 BRYANT of Oxford.

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

2   **Sec. 1. 5 MRSA §152,** as enacted by PL 1979, c. 534, §2, is amended to read:

3   **§152. Ratification of bond issue; signed statement**

4   In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of
5   State shall prepare a signed statement to accompany any question submitted to the
6   electors for ratification of a bond issue setting forth the total amount of bonds of the State
7   outstanding and unpaid, the total amount of bonds of the State authorized and unissued
8   and the total amount of bonds of the State contemplated to be issued if the enactment
9   submitted to the electors should be ratified. The Treasurer of State shall also set forth in
10   that statement an estimate of costs involved, including explanation of, based on such
11   factors as interest rates ~~which~~ that may vary, the interest cost contemplated to be paid on
12   the amount to be issued, the total cost of principal and interest that will be paid at
13   maturity and any other substantive explanatory information relating to the debt of the
14   State as ~~he may deem~~ the Treasurer of State considers appropriate. To meet the
15   requirement that the signed statement of the Treasurer of State accompany any ballot
16   question for ratification of a bond issue, the statement may be printed on the ballot or it
17   may be printed as a separate document that is posted in each voting booth on election day
18   and, in the case of absentee voting, the statement must be made available to each voter
19   who votes in the presence of the municipal clerk or provided along with the ballot to each
20   absentee voter who does not vote in the presence of the municipal clerk.

21   **Sec. 2. 21-A MRSA §1, sub-§21,** as amended by PL 2005, c. 568, §1, is further
22   amended to read:

23   **21. Incoming voting list.** "Incoming voting list" means the printed list of all of the
24   voters in a municipality that is used by election officials at a voting place to record which
25   voters have been issued a ballot at an election. The list must include the following
26   information for each voter and may not include any other information: name; residence
27   address; enrollment status; electoral district; voter status, active or inactive; voter record
28   number; designations regarding challenged ballots ~~and~~ , absentee ballots or whether a
29   voter needs to show identification before voting; and any special designations indicating
30   uniformed service voters, overseas voters or township voters. The portion of the incoming
31   voting list relating to Address Confidentiality Program participants must be kept under
32   seal and excluded from public inspection. The residence address for any voter whose
33   address has been made confidential pursuant to section 22, subsection 3, paragraph B
34   may not be printed on the incoming voting list, and the words "address is confidential"
35   must be printed on the list instead.

36   **Sec. 3. 21-A MRSA §122, sub-§5,** as amended by PL 2005, c. 453, §17, is
37   further amended to read:

38   **5. Alternative registration schedule for absentee voters.** If the clerk receives a
39   properly completed absentee ballot application that is signed by a person who is not a
40   registered voter in the municipality, a presumption of the person's qualification as a voter
41   is established. The clerk shall send an absentee ballot to the voter at the address

1 indicated, along with a voter registration application under section 152. The completed
2 registration application must be returned to the clerk by the close of the polls on election
3 day in order for the ballot to be counted and may not be sealed with the voted absentee
4 ballot. If the application is received during the closed period and the registrar is not
5 satisfied as to the person's qualification as a voter, the registrar shall follow the
6 requirements of section 121, subsection 1-A to place the person's name on the incoming
7 voting list and challenge the absentee ballot. An application by telephone under section
8 753-A, subsection 4 or an application by e-mail under section 753-A, subsection 6 does
9 not establish a presumption of qualification under this section and the requestor must
10 submit a properly completed voter registration application before the clerk may issue an
11 absentee ballot.

12 **Sec. 4. 21-A MRSA §362-A,** as enacted by PL 2001, c. 310, §20, is amended to
13 read:

14 **§362-A. Secretary of State declares vacancy**

15 When required by this subchapter, the Secretary of State shall declare a vacancy
16 ~~under section 361~~ and notify the appropriate political committee of the deadline for filling
17 the vacancy.

18 **Sec. 5. 21-A MRSA §624,** as amended by PL 2005, c. 453, §51, is further
19 amended to read:

20 **§624. Incoming voting lists; voter lists**

21 **1. Posting of.** The registrar shall post a certified copy of ~~the incoming voting~~ a
22 current voter list for each voting district at the usual voting place in that district before the
23 polls are opened on election day. The voter list produced for purposes of this subsection
24 must include the following information for each voter and may not include any other
25 information: name; residence address; enrollment status; electoral district; voter status,
26 active or inactive; voter record number; and any special designations indicating
27 uniformed service voters, overseas voters or township voters. The portion of the voter list
28 produced for purposes of this subsection relating to Address Confidentiality Program
29 participants must be kept under seal and excluded from public inspection. The residence
30 address for any voter whose address has been made confidential pursuant to section 22,
31 subsection 3, paragraph B may not be printed on the voter list, and the words "address is
32 confidential" must be printed on the list instead. The Secretary of State shall designate
33 the form of the voter list produced for purposes of this subsection.

34 **2. Delivery of.** The registrar shall deliver the necessary number of certified copies
35 of the posted voter list described in subsection 1 and the incoming voting list to the clerk
36 by 5 p.m. on the last business day before election day. The clerk shall give the registrar a
37 receipt for the copies.

38 **Sec. 6. 21-A MRSA §698, sub-§3,** as amended by PL 2005, c. 453, §56, is
39 further amended to read:

1   **3. Incoming voting lists packed separately.** The warden and one election clerk
2 from each of the major parties shall sign the incoming voting list certification as soon as
3 the names of all persons who have voted, including persons who have voted by absentee
4 ballot, have been checked off. The election clerks shall place the incoming voting list in
5 a separate package outside the containers of used and unused ballots and seal the package
6 with the signed incoming voting list certification. The incoming voting list includes any
7 certificates entitling voters to be placed on the incoming voting list and any supplemental
8 incoming voting list, where applicable, pursuant to section 122, subsection 7. The
9 municipal clerk shall keep these incoming voting lists sealed for ~~10~~ 5 business days after
10 the election or until the time for any recount conducted under section 737-A, contested
11 election or appeal has passed, whichever is longer. ~~After that time period, the clerk~~ At
12 the end of the 5th business day after the election, if the municipal clerk verifies that a
13 recount has not been requested, the municipal clerk shall unseal the incoming voting list
14 and keep it in the clerk's office as a public record for the time required pursuant to section
15 23.

16   **Sec. 7. 21-A MRSA §737-A, first ¶,** as amended by PL 1999, c. 426, §27, is
17 further amended to read:

18   For the purposes of this section, a candidate may also be a write-in candidate who has
19 met the qualifications of section 722-A. If, after an initial tally of the ballots, the margin
20 between the number of votes cast for the leading candidate and the number of votes cast
21 for ~~the 2nd place~~ any other candidate in the same race is less than 1% of the total number
22 of votes cast in that race, a recount is ~~presumed necessary~~ automatic and must be
23 conducted by the Secretary of State pursuant to this section.

24   **Sec. 8. 21-A MRSA §737-A, 2nd ¶,** as enacted by PL 1993, c. 473, §31 and
25 affected by §46, is amended to read:

26   Once ~~a~~ an automatic recount is triggered ~~by this presumption~~ for races with a margin
27 of less than 1% between the leading candidate and any other candidate in that race, or a
28 recount is requested for any other race with a margin of 1% or more between the leading
29 candidate and any other candidate in that race, the Secretary of State shall notify the State
30 Police, who shall take physical control of all ballots and related materials involved in the
31 recount as soon as possible.

32   **Sec. 9. 21-A MRSA §737-A, 4th ¶,** as amended by PL 1999, c. 426, §28, is
33 further amended to read:

34   A ~~losing~~ candidate ~~in any election~~ who is the apparent loser by a margin of 1% or
35 more behind the leading candidate and who desires a recount must file with the Secretary
36 of State a written request for a recount within 5 business days after the election. The
37 recount is held under the supervision of the Secretary of State, who shall allow the
38 candidate's representatives or counsel to recount the ballots. The candidate may not act
39 as a counter of ballots.

40   **Sec. 10. 21-A MRSA §737-A, sub-§4,** as amended by PL 2003, c. 447, §26, is
41 further amended to read:

1   **4. Time of recount and designated recount candidates.** The recount must be held
2   as soon as reasonably possible at a time and place that affords the designated recount
3   candidates a reasonable opportunity to be present. For purposes of this section, "the
4   designated recount candidates" means the leading candidate and each candidate who has
5   requested a recount and paid the applicable fee in accordance with this section <u>or</u>
6   <u>candidates whose race is subject to an automatic recount.</u> The recount involves a new
7   count of the results for the designated recount candidates only. Once a candidate has
8   requested a recount, the other candidates for that elective office must be notified of the
9   request as soon as possible. Candidates for that elective office whose vote totals fall
10   between the totals of the leading candidate and the requesting candidate must be provided
11   with an opportunity to be included in the recount as a designated recount candidate by
12   making a written request to join the recount and paying the applicable fee, either within 5
13   business days after the election or, if the recount request is made on the last day of that
14   period, by the close of business on the next business day. Candidates for that elective
15   office other than the designated recount candidates may be present to observe the recount
16   but are not included in the recount, and their vote totals remain as indicated in the official
17   results reported by the municipalities.

18   **Sec. 11. 21-A MRSA §753-A, sub-§6** is enacted to read:

19   <u>**6. Application by e-mail.** A municipal clerk may opt to accept absentee ballot</u>
20   <u>applications by e-mail. If the clerk opts to accept absentee ballot applications by e-mail</u>
21   <u>the clerk shall create a specific e-mail account for the purpose of accepting e-mail</u>
22   <u>applications. At least 120 days before any election administered by the State, the clerk</u>
23   <u>shall notify the Secretary of State of the clerk's intention to accept absentee ballot</u>
24   <u>applications by e-mail and of the e-mail address used to accept the absentee ballot</u>
25   <u>applications. The Secretary of State shall post on its publicly accessible website a list of</u>
26   <u>municipalities that have opted to accept absentee ballot applications by e-mail along with</u>
27   <u>the e-mail addresses and procedures for requesting an absentee ballot by e-mail. The</u>
28   <u>Secretary of State shall design or approve the form of the absentee ballot application to be</u>
29   <u>submitted by e-mail.</u>

30   <u>If the clerk opts to accept absentee ballot applications by e-mail, a voter may make an</u>
31   <u>application for the voter's own ballot by e-mail using the form designed or approved by</u>
32   <u>the Secretary of State. The voter may not designate an immediate family member or a</u>
33   <u>3rd person to deliver the ballot on the voter's behalf. The clerk shall verify that it is the</u>
34   <u>voter who is requesting the ballot by confirming the voter's residence address and birth</u>
35   <u>date with the information in the voter's record. The clerk shall print the e-mail</u>
36   <u>application and write "e-mail request" on the application.</u>

37   **Sec. 12. 21-A MRSA §753-B, sub-§6, ¶E,** as enacted by PL 2005, c. 364, §7, is
38   amended to read:

39   E.   Within ~~10~~ <u>5</u> business days after each election, the clerk shall update the central
40   voter registration system to include the changes required by paragraph A. The clerk
41   also must update the central voter registration system to reflect any absentee ballots
42   received after the polls have closed on election day by changing the rejection reason.
43   When all updates have been made in the central voter registration system, the clerk

1 shall certify this to the Secretary of State and make a final list of absentee ballots
2 available for public inspection.

3   **SUMMARY**

4   This bill clarifies that the signed statement of the Treasurer of State regarding the
5 ratification of a bond issue may be printed on the ballot or may be printed as a separate
6 document that is made available to voters. The bill amends the laws governing the
7 establishment of a person's qualification as a voter in order to enable that person to vote
8 as an absentee voter. The bill clarifies the requirements for the incoming voting list and
9 the voter list that must be posted at the polls on election day. The bill also decreases the
10 time for keeping sealed the incoming voting list from 10 to 5 business days after the
11 election and provides that the municipal clerk may unseal the list after verifying that no
12 recount has been requested. This bill also removes an incorrect cross-reference regarding
13 declaration of a vacancy. This bill also provides that recounts are automatic for races in
14 which the margin between the number of votes cast for the leading candidate and any
15 other candidate for that race is less than 1% of the total number of votes cast in that race.
16 The bill permits a municipal clerk to accept absentee ballot applications by e-mail. The
17 bill decreases the time for the clerk to make a final update to the list of absentee voters in
18 the central voter registration system from 10 to 5 business days after the election.