

MAINE STATE LEGISLATURE

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Legislative Document

No. 1627

H.P. 1155

House of Representatives, December 23, 2009

An Act To Improve Access to Data in the Central Voter Registration System

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

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TRINWARD of Waterville.
Cosponsored by Senator SULLIVAN of York and
Senator: JACKSON of Aroostook.

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

2 **Sec. 1. 21-A MRSA §22, sub-§3, ¶B,** as enacted by PL 2005, c. 568, §2, is
3 amended to read:

4 B. For a voter who submits to the registrar a signed statement that the voter has a
5 good reason to believe that the physical safety of the voter or a member of the voter's
6 immediate family residing with the voter would be jeopardized if the voter's
7 residence address were open to public inspection; that voter's residence address and
8 mailing address, if the mailing address is the same as or discloses the voter's
9 residence address, must be kept confidential and must be excluded from public
10 inspection. The remainder of the information in that voter's record that is designated
11 as public information in section ~~196~~ 196-A remains a public record and may be made
12 available to the public according to the use and distribution requirements provided in
13 that section. The voter's signed statement is also a public record. A voter's address
14 that is excluded from public inspection under this paragraph may be made available
15 free of charge to a law enforcement officer or law enforcement agency that makes a
16 written request to use the information for a bona fide law enforcement purpose or to a
17 person identified by a court order if directed by that order.

18 **Sec. 2. 21-A MRSA §191,** as amended by PL 2005, c. 364, §6; c. 453, §40; and c.
19 683, Pt. A, §§31 and 32, is repealed.

20 **Sec. 3. 21-A MRSA §192,** as amended by PL 2005, c. 12, Pt. SS, §21 and c. 453,
21 §41, is repealed.

22 **Sec. 4. 21-A MRSA §193,** as amended by PL 2005, c. 453, §42, is repealed.

23 **Sec. 5. 21-A MRSA §194,** as amended by PL 2005, c. 453, §43, is further
24 amended to read:

25 **§194. Rules**

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

34 Rules adopted pursuant to this section are major substantive rules as defined in Title
35 5, chapter 375, subchapter H-A 2-A.

36 **Sec. 6. 21-A MRSA §195,** as amended by PL 2007, c. 397, §1, is further amended
37 to read:

1 **§195. Report**

2 The Secretary of State shall report annually, by ~~March 1st~~ January 15th, to the joint
3 standing committee of the Legislature having jurisdiction over voter registration matters
4 on the administration of the central voter registration system ~~developed pursuant to this~~
5 ~~subchapter~~. The report may ~~include~~ address issues of public access to the information
6 from the central voter registration system, taking into consideration the compelling state
7 interests to prevent voter fraud and the potential disenfranchisement of voters and to
8 ensure that voters are not discouraged from participating in the voting process. The
9 report may include suggested legislation necessary to administer the central voter
10 registration system. The committee may report out legislation regarding the central voter
11 registration system to the Legislature ~~during the First Regular Session of the 121st~~
12 ~~Legislature and any subsequent Legislature.~~

13 **Sec. 7. 21-A MRSA §196**, as amended by PL 2009, c. 370, §§4 and 5, is repealed.

14 **Sec. 8. 21-A MRSA §196-A** is enacted to read:

15 **§196-A. Use and distribution of central voter registration system information**

16 **1. Access to data from the central voter registration system.** For the purposes of
17 Title 1, section 402, information contained electronically in the central voter registration
18 system and any information or reports generated by the system are confidential and may
19 be accessed only by municipal and state election officials for the purposes of election and
20 voter registration administration, and by others only as provided in this section.

21 A. An individual voter may obtain any information contained in that voter's record
22 within the central voter registration system either from the registrar in the voter's
23 municipality of residence or from the Secretary of State. The individual voter
24 information must be made available to that voter upon request and free of charge. The
25 Secretary of State may design a report to facilitate providing information to an
26 individual voter.

27 B. A political party, individual or organization engaged in so-called "get out the
28 vote" efforts or activities directly related to a campaign may purchase a list or report
29 of certain voter information from the central voter registration system by making a
30 request to the Secretary of State or to a registrar if the information requested concerns
31 voters in that municipality. The Secretary of State or the registrar shall make
32 available the following voter record information, subject to the fees set forth in
33 subsection 2: the voter's name, residence address, mailing address, date of birth,
34 enrollment status, electoral districts, voter status, date of registration, date of change
35 of the voter record if applicable, voter participation history, voter record number and
36 any special designations indicating uniformed service voters, overseas voters or
37 township voters. Any person obtaining, either directly or indirectly, information
38 from the central voter registration system under this paragraph may not sell, distribute
39 or use the data for any purpose that is not directly related to activities of a political
40 party, "get out the vote" efforts or activities directly related to a campaign. This
41 paragraph does not prohibit political parties, party committees, candidate committees,
42 political action committees or any other organizations that have purchased

1 information from the central voter registration system from providing access to such
2 information to their members for purposes directly related to party activities, "get out
3 the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the
4 same meaning as in section 1052, subsection 1.

5 C. The registrar shall make available, in electronic form and free of charge, upon the
6 request of any person authorized under section 312 to obtain a municipal caucus list,
7 the following voter record information for each voter in the municipality: the voter's
8 name, residence address, mailing address, enrollment status, electoral districts, voter
9 status, voter record number and any special designation indicating whether the voter
10 is a uniformed service voter, overseas voter or township voter. The Secretary of State
11 also shall make available the statewide caucus list, in electronic form and free of
12 charge, to the state committee of each political party.

13 D. A municipal clerk or registrar shall make available to any person upon request
14 and free of charge an electronic list of voters who requested or were furnished
15 absentee ballots for their municipality for a specified election. The Secretary of State
16 may make available free of charge the statewide absentee voter list in electronic
17 form. The electronic list must include the information provided in section 753-B,
18 subsection 6, paragraph A, except that the voter's record number must be provided
19 instead of the voter's name and residence address. In addition, a municipal clerk or
20 registrar shall make available upon request, subject to the fees set forth in subsection
21 2, paragraph A, the printed list, created and maintained pursuant to section 753-B, of
22 voters who requested or were furnished absentee ballots.

23 E. The Secretary of State or a registrar may make available, upon the request of any
24 other governmental or quasi-governmental entity, certain voter information for that
25 entity's authorized use only. The following information may be provided in
26 electronic form and free of charge: the voter's name, residence address, mailing
27 address, electoral districts, voter status, date of registration or date of change of the
28 voter record if applicable, voter record number and any special designations
29 indicating uniformed service voters, overseas voters or township voters. Data made
30 available under this paragraph may not be used for solicitation or for purposes other
31 than the governmental or quasi-governmental entity's authorized activities and may
32 not be redistributed.

33 F. The Secretary of State shall make available to any person upon request and free of
34 charge the following voter record information in electronic form: either the voter's
35 first name or last name, but not both names in the same report; year of birth;
36 enrollment status; electoral districts to include congressional district and county only;
37 voter status; date of registration or date of change of the voter record if applicable;
38 date of the last statewide election in which the voter voted; and any special
39 designations indicating uniformed service voters, overseas voters or township voters.
40 The Secretary of State or the registrar also may make available to any person upon
41 request and free of charge any report or statistical information that does not contain
42 the names, dates of birth, voter record numbers or addresses of individual voters.

43 G. The Secretary of State or a registrar shall make available free of charge any
44 information pertaining to individual voters, other than participants in the Address
45 Confidentiality Program established in Title 5, section 90-B, that is contained in the

1 central voter registration system to a law enforcement officer or law enforcement
2 agency that makes a written request to use the information for a bona fide law
3 enforcement purpose or to a person identified by a court order if directed by that
4 order. Information pertaining to individual voters who are Address Confidentiality
5 Program participants that is contained in the central voter registration system may be
6 made available for inspection to a law enforcement agency that is authorized by the
7 Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality
8 Program information. Data made available under this paragraph may not be used for
9 purposes other than law enforcement or as directed in the court order.

10 H. When responding to a request about a specific voter registered in a specific
11 municipality, the registrar of that municipality or the Secretary of State may use
12 information contained in the central voter registration system to provide the
13 registration status, enrollment status and electoral districts for that voter.

14 2. Fees. For the purpose of calculating fees pursuant to this section, a record
15 includes the information on one individual voter. Fees paid to the Secretary of State must
16 be deposited into a dedicated fund to offset the cost of providing the information and
17 maintaining the central voter registration system. A municipality may keep the fees paid
18 to the municipality. The fees for information provided pursuant to this section are as
19 follows:

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

23 B. The fee for information provided in electronic form is based on the number of
24 records requested. The fee entitles the requestor to receive the initial electronic
25 report or file and, upon request, up to 11 updates free of charge during the subsequent
26 12-month period, except that no more than one free update may be requested during
27 any 30-day period. The fee schedule is as follows:

28 (1) For 900,001 or more voter records, \$2,000;

29 (2) For 600,001 to 900,000 voter records, \$1,500;

30 (3) For 400,001 to 600,000 voter records, \$1,000;

31 (4) For 250,001 to 400,000 voter records, \$750;

32 (5) For 150,001 to 250,000 voter records, \$500;

33 (6) For 100,001 to 150,000 voter records, \$250;

34 (7) For 75,001 to 100,000 voter records, \$200;

35 (8) For 50,001 to 75,000 voter records, \$165;

36 (9) For 35,001 to 50,000 voter records, \$125;

37 (10) For 25,001 to 35,000 voter records, \$75;

38 (11) For 15,001 to 25,000 voter records, \$50;

39 (12) For 7,501 to 15,000 voter records, \$30;

1 (13) For 1,001 to 7,500 voter records, \$20; or

2 (14) For 1 to 1,000 voter records, \$10.

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

10 **Sec. 9. 21-A MRSA §312**, as amended by PL 2005, c. 453, §45, is further
11 amended to read:

12 **§312. Municipal caucus list**

13 The chair or secretary of the municipal committee or the person or persons calling a
14 biennial municipal caucus, including any resident voter pursuant to section 311,
15 subsection 5, may request ~~from the municipal registrar and receive at no charge a~~
16 ~~certified copy of a list of voters registered in that municipality~~ a list of registered voters
17 pursuant to section 196-A, subsection 1 for use by the municipal committee once each
18 biennial election cycle beginning January 1st in an election year. ~~Upon receipt of a~~
19 ~~request, the registrar has 5 business days to prepare and provide the municipal caucus list~~
20 ~~to the requester. The municipal caucus list may include only the following information~~
21 ~~for each voter: name, residence address, mailing address, enrollment status, electoral~~
22 ~~district, voter status as active or inactive, voter record number and any special designation~~
23 ~~indicating whether the voter is a uniformed service voter, overseas voter or township~~
24 ~~voter.~~

25 **Sec. 10. Application.** This Act does not apply to any requests for information
26 from the central voter registration system submitted to a municipal registrar or to the
27 Secretary of State prior to the effective date of this Act, except that any person or entity
28 that has requested information from the central voter registration system in electronic
29 form within 12 months prior to the effective date of this Act and that has paid the fees
30 required under the Maine Revised Statutes, Title 21-A, former section 196, subsection 4
31 may obtain free monthly updates of the data for the remainder of the 12-month period,
32 upon request.

33 **SUMMARY**

34 This bill repeals several provisions of law relating to the implementation of a central
35 voter registration system. The bill removes the provision of law that would have repealed
36 laws governing the use and distribution of central voter registration system information
37 and clarifies the restrictions on access to data from the central voter registration system,
38 enhances access to voter data by governmental or quasi-governmental entities for
39 authorized purposes other than solicitations and improves access to absentee voter data
40 and statistical data. The bill provides that individuals or entities that purchase voter data
41 electronically are entitled to receive up to 11 free updates to the data in a one-year period,

1 but not more frequently than one update in any 30-day period. The bill also moves the
2 provisions of law regarding the biennial municipal caucus list into the section of law
3 governing access to data from the central voter registration system.