

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1730

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 662, L.D. 1730, Bill, "An Act To Strengthen the Ballot Initiative Process"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 21-A MRSA §901-A, sub-§3 is enacted to read:

3. Unique identifier. The circulator of a petition shall affix a unique identifier to the top and bottom of each page of a petition. The Secretary of State shall include a space at the top and bottom of each page of the petition for the unique identifier. "Unique identifier" means the initials of the circulator and a number corresponding to the number of petitions circulated by that circulator.

Sec. 2. 21-A MRSA §902, 2nd ¶, as enacted by PL 1997, c. 581, §5, is amended to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C. The circulator of a petition must sign the petition and verify the petition by oath or affirmation as described in section 354, subsection 7, paragraph A prior to submitting of the petition to the registrar.

Sec. 3. 21-A MRSA §902-A is enacted to read:

§902-A. Copies of petitions required

The registrar, or clerk at the request or upon the absence of the registrar, shall make a copy of each petition submitted in accordance with section 902. If the registrar or clerk suspects that a petition was submitted in violation of any provision of this chapter, the registrar or clerk shall immediately notify the Secretary of State and provide a copy of the petition to the Secretary of State.

Sec. 4. 21-A MRSA §903-C is enacted to read:

COMMITTEE AMENDMENT

1 **§903-C. Direct initiative and people's veto petition organization required to be**
2 **registered**

3 A petition organization shall register with the Secretary of State in accordance with
4 this section. For the purposes of this section, "petition organization" means a business
5 entity that receives compensation for organizing, supervising or managing the circulation
6 of petitions for a direct initiative of legislation or a people's veto referendum.

7 **1. Registration.** Prior to organizing, supervising or managing the circulation of
8 petitions for a direct initiative of legislation or a people's veto referendum, a petition
9 organization, in addition to meeting any other requirement to transact business in this
10 State, shall register with the Secretary of State on a form prescribed by the Secretary of
11 State. The registration form must include the following:

12 A. The ballot question or title of each direct initiative of legislation or people's veto
13 referendum for which the petition organization will receive compensation;

14 B. Contact information for the petition organization, including the name of the
15 petition organization, street address or post office box, telephone number and e-mail
16 address; and

17 C. The name and signature of a designated agent for the petition organization.

18 The information contained in the registration must be made available for public
19 inspection and must be posted on the publicly accessible website of the Secretary of
20 State.

21 **Sec. 5. 21-A MRSA §905, sub-§1,** as repealed and replaced by PL 1993, c. 352,
22 §2, is amended to read:

23 **1. Secretary of State.** The Secretary of State shall review all petitions filed in the
24 Department of the Secretary of State for a people's veto referendum under the
25 Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under
26 the Constitution of Maine, Article IV, Part Third, Section 18.

27 The Secretary of State shall determine the validity of the petition and issue a written
28 decision stating the reasons for the decision within 30 days ~~after the final~~ from the date
29 for or filing the petitions of a written petition in the Department of the Secretary of State
30 under the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

31 **Sec. 6. 21-A MRSA §905, sub-§2,** as amended by PL 1987, c. 119, §1, is further
32 amended to read:

33 **2. Superior Court.** Any voter named in the application under section 901, or any
34 person who has validly signed the petitions, if these petitions are determined to be
35 invalid, or any other voter, if these petitions are determined to be valid, may appeal the
36 decision of the Secretary of State by commencing an action in the Superior Court. This
37 action ~~shall~~ must be conducted in accordance with the Maine Rules of Civil Procedure,
38 Rule 80C, except as modified by this section. In reviewing the decision of the Secretary
39 of State, the court shall determine whether the description of the subject matter is
40 understandable to a reasonable voter reading the question for the first time and will not
41 mislead a reasonable voter who understands the proposed legislation into voting contrary
42 to ~~his~~ that voter's wishes. This action must be commenced within 5 10 days of the date of

1 the decision of the Secretary of State and shall be tried, without a jury, within 15 days of
2 the date of that decision. Upon timely application, anyone may intervene in this action
3 when the applicant claims an interest relating to the subject matter of the petitions, unless
4 the applicant's interest is adequately represented by existing parties. The court shall issue
5 its written decision containing its findings of fact and stating the reasons for its decision
6 within 30 days of the commencement of the trial or within 45 40 days of the date of the
7 decision of the Secretary of State, if there is no trial.

8 **SUMMARY**

9 This amendment is the majority report of the committee and replaces the bill. The
10 amendment requires a unique identifier on petitions for a direct initiative of legislation
11 and people's veto referendum that comprises the circulator's initials and a sequential
12 number representing the petitions circulated. It also requires that a petition must be
13 signed and notarized prior to being submitted to a municipal clerk for verification. It
14 directs the clerk to make copies of all petitions submitted for verification by circulators.
15 The amendment creates a registration requirement for petition organizations that are
16 compensated to organize, supervise or manage the circulation of petitions for a direct
17 initiative or people's veto. The amendment extends the amount of time that a person has
18 to challenge the decision of the Secretary of State to reject or certify petitions from 5 to
19 10 days and reduces the number of days the Superior Court has to rule on the challenge
20 from 45 to 40 days. Finally, the amendment makes a correction to the statute to comply
21 with a 1998 Maine Supreme Judicial Court decision that denies the right of de novo trial
22 to a person challenging the decision of the Secretary of State to reject or certify petitions.
23 The amendment also makes the statute consistent with the Constitution of Maine, which
24 allows for a total of 100 days for a final decision on the certification of a petition for a
25 direct initiative or a people's veto.

26 **FISCAL NOTE REQUIRED**

27 (See attached)



124th MAINE LEGISLATURE

LD 1730

LR 2310(02)

An Act To Strengthen the Ballot Initiative Process

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded
Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

State Mandates

Required Activity

Copy each petition submitted to the registrar.

Unit Affected

Municipality

Local Cost

Insignificant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with creating and filing registrations for organizations that receive compensation for supervising, managing or organizing efforts to obtain signatures for an initiative or referendum petition can be absorbed within existing budgeted resources.