

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 797

S.P. 241

In Senate, March 1, 2011

### An Act To Reform the Election Laws

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.  
Cosponsored by Senator: THOMAS of Somerset.

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

2 **Sec. 1. 21-A MRSA §121, sub-§1-A**, as amended by PL 2005, c. 453, §12, is  
3 further amended to read:

4 **1-A. Identification and proof.** Registration applications taken by outside agencies  
5 must be transferred to the Secretary of State within 5 days of receipt. An applicant who  
6 attempts to register within 30 days of an election must be advised that the registrar might  
7 not receive the application before that election, but that the applicant may register in  
8 person ~~before or on~~ on or before 7 days prior to election day.

9 Registration applications received by the Secretary of State from outside agencies 30 days  
10 or more before an election must be transferred to the appropriate registrar's office within  
11 7 business days of receipt. Registration applications received by the Secretary of State  
12 from outside agencies less than 30 days before an election must be transferred to the  
13 appropriate registrar's office within 5 business days of receipt. Registration applications  
14 by mail or by a 3rd person must be received in the registrar's office by the close of  
15 business on the 21st day before election day in order for persons' names to appear on the  
16 incoming voting list for that election. The 20-day period before the election is the closed  
17 period for outside registrations. The registrar shall send the notice required by section  
18 122 to all voters whose applications were received by mail or a 3rd person by the 21st  
19 day before election day no later than the 18th day before election day.

20 A person who registers during the period of 20 days before election day ~~or on election~~  
21 ~~day shall~~ to 7 days before election day must register in person and show proof of identity,  
22 citizenship and residency. If satisfactory proof of identity, citizenship and residency can  
23 not be provided to the registrar or deputy, the person's name is entered into the central  
24 voter registration system and placed on the incoming voting list and the person casts a  
25 challenged ballot.

26 **Sec. 2. 21-A MRSA §122, sub-§4**, as amended by PL 2005, c. 453, §16, is  
27 repealed.

28 **Sec. 3. 21-A MRSA §122, sub-§5**, as amended by PL 2007, c. 515, §3, is further  
29 amended to read:

30 **5. Alternative registration schedule for absentee voters.** If the clerk receives a  
31 properly completed absentee ballot application that is signed by a person who is not a  
32 registered voter in the municipality, a presumption of the person's qualification as a voter  
33 is established. The clerk shall send an absentee ballot to the voter at the address  
34 indicated, along with a voter registration application under section 152. The completed  
35 registration application must be returned to the clerk ~~by the close of the polls~~ on or before  
36 7 days prior to election day in order for the ballot to be counted and may not be sealed  
37 with the voted absentee ballot. If the application is received during the closed period and  
38 the registrar is not satisfied as to the person's qualification as a voter, the registrar shall  
39 follow the requirements of section 121, subsection 1-A to place the person's name on the  
40 incoming voting list and challenge the absentee ballot. An application by telephone  
41 under section 753-A, subsection 4 or an application by e-mail under section 753-A,  
42 subsection 6 does not establish a presumption of qualification under this section and the

1 requestor must submit a properly completed voter registration application before the clerk  
2 may issue an absentee ballot.

3 **Sec. 4. 21-A MRSA §122, sub-§6**, as amended by PL 2005, c. 453, §18, is  
4 further amended to read:

5 **6. Schedule for acceptance of registrations.** Except as provided in paragraph A,  
6 the registrar shall accept registrations on any business day or other day that the clerk's  
7 office is open. The names and other information from the voter registration applications  
8 of any persons registering on or before 7 days before election day must be entered into  
9 the central voter registration system and must be placed on the incoming voting list.

10 A. The registrar may accept only the registrations of applicants who appear in person  
11 as follows:

12 (1) In a municipality with a population of 2,500 or fewer, on ~~the last business~~  
13 ~~day that the clerk's office is open~~ or before 7 days prior to election day during the  
14 hours that the clerk's office is open;

15 (2) In a municipality with a population of more than 2,500, on ~~the last 5~~ or  
16 before the 12 business days that the clerk's office is open before election day  
17 during the hours that the clerk's office is open and for 2 hours in the evening  
18 between 5 p.m. and 9 p.m. on at least one of these days; and

19 (3) The names of voters registering during these periods must be recorded as  
20 provided under subsection 7.

21 **Sec. 5. 21-A MRSA §122, sub-§9**, as amended by PL 2003, c. 395, §1, is further  
22 amended to read:

23 **9. Regulation of registration monitors.** Anyone who wishes to monitor the names  
24 and addresses of persons who are registering at the registrar's office or the clerk's office  
25 shall inform the registrar or clerk of that intent. ~~Anyone who wishes to monitor the~~  
26 ~~names and addresses of persons who are registering at the polling place shall inform the~~  
27 ~~registrar or clerk of that intent by submitting a written, signed statement containing the~~  
28 ~~proposed monitor's name, address and intent.~~ The registrar or clerk may designate a place  
29 where a person monitoring registrations may stand. The registrar or clerk shall then  
30 announce the name and address of individuals registering to vote in a loud and clear  
31 voice. A person monitoring registrations shall direct any questions the person has to the  
32 registrar or clerk. These questions must be limited to information pertinent to the  
33 qualifications of an individual to register. A person monitoring registrations may not ask  
34 questions of individuals waiting to register concerning their eligibility to vote. ~~A polling~~  
35 ~~place registration monitor may not handle or inspect registration cards, files or other~~  
36 ~~materials used by the registrar or clerk except as provided in section 22.~~ A monitor may  
37 not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to  
38 be inhibited, the ~~warden~~ registrar or clerk may request a reduction in the number of  
39 monitors present ~~in the polling place~~. A registrar or clerk may require a person  
40 monitoring registrations who violates the provisions of this subsection to leave the  
41 building.

1           **Sec. 6. 21-A MRSA §156, sub-§1**, as amended by PL 2005, c. 568, §7, is further  
2 amended to read:

3           **1. Registration and enrollment.** A township resident who lives in a township for  
4 which the county commissioners have not established a voting place as provided in  
5 section 632 may register and enroll in any municipality within the applicant's  
6 representative district or, if the applicant lives in a portion of a township not easily  
7 accessible to a municipality within the representative district, the township resident may  
8 register and enroll in a more convenient municipality within or outside the county. The  
9 township resident may register and enroll on or before 7 days prior to election day. The  
10 registrar shall designate the applicant as a township voter with the letter "T" in the central  
11 voter registration system and on the incoming voting list.

12           **Sec. 7. 21-A MRSA §671, sub-§1**, as amended by PL 2005, c. 453, §55, is  
13 further amended to read:

14           **1. Name announced.** A voter who wishes to vote must provide proof of identity  
15 with documentation approved by the Secretary of State by rule, and state the voter's name  
16 and, upon request, residence address to an election clerk, who shall announce the name in  
17 a loud, clear voice.

18           **Sec. 8. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 2007, c. 455, §32, is  
19 further amended to read:

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

- 24           (1) Is not a registered voter;
- 25           (2) Is not enrolled in the proper party, if voting in a primary election;
- 26           (3) Is not qualified to be a registered voter because the challenged person:
  - 27           (a) Does not meet the age requirements as specified in sections 111,  
28           subsection 2 and section 111-A;
  - 29           (b) Is not a citizen of the United States; or
  - 30           (c) Is not a resident of the municipality or appropriate electoral district  
31           within the municipality;
- 32           (4) Registered to vote during the closed period or on or before 7 days prior to  
33           election day and did not provide satisfactory proof of identity, citizenship and  
34           residency to the registrar pursuant to section 121, subsection 1-A, except that  
35           only an election official may challenge for this reason;
- 36           (5) Did not properly apply for an absentee ballot;
- 37           (6) Did not properly complete the affidavit on the absentee return envelope;
- 38           (7) Did not cast the ballot or complete the affidavit before the appropriate  
39           witness;

- 1 (8) Communicated with someone as prohibited by section 754-A, subsection 1,  
2 paragraph B or subsection 3, paragraph B or D;
- 3 (9) Did not have the ballot returned to the clerk by the time prescribed;
- 4 (10) Voted using the name of another;
- 5 (11) Committed any other specified violation of this Title; or
- 6 (12) Voted using the wrong ballot for the appropriate electoral district or  
7 political party, if applicable.

8 **Sec. 9. 21-A MRSA §721, first ¶**, as amended by PL 2005, c. 453, §57, is further  
9 amended to read:

10 Within 10 business days after any statewide election, the registrar shall update all  
11 information in the central voter registration system for all voters in the municipality to  
12 reflect any voter registration activity after the incoming voting list was printed for that  
13 election ~~and up until the close of the polls on election day~~. The registrar shall also enter  
14 any designations of challenged ballots in the applicable voter records in the central voter  
15 registration system. The registrar shall notify the Secretary of State as soon as these tasks  
16 are complete.

17 **Sec. 10. 21-A MRSA §753-B, sub-§4, ¶A**, as enacted by PL 1999, c. 645, §6, is  
18 amended to read:

- 19 A. The applicant states good cause, including, but not limited to, loss of, spoiling of  
20 or damage to the first absentee ballot. Good cause does not include an applicant's  
21 decision to change the applicant's vote after the applicant has returned the ballot to  
22 the clerk; or

23 **Sec. 11. 21-A MRSA §753-B, sub-§9** is enacted to read:

24 **9. Ballot returned to clerk.** The clerk may not issue a 2nd state absentee ballot to  
25 an applicant after the applicant has returned a ballot to the clerk, except as provided in  
26 subsection 4.

27 **Sec. 12. Rules.** The Secretary of State shall adopt rules pursuant to this Act  
28 establishing proof of citizenship and photograph identification standards for a voter  
29 providing proof of identity to an election clerk or the registrar of voters. Rules adopted  
30 pursuant to this section are routine technical rules as defined in the Maine Revised  
31 Statutes, Title 5, chapter 375, subchapter 2-A.

## 32 SUMMARY

33 Current law authorizes citizens of the State to register to vote on election day. This  
34 bill repeals that provision and instead requires that citizens of the State register to vote no  
35 later than 7 days preceding the election in order to vote in that election. The bill also  
36 requires that a person provide proof of citizenship to register to vote.

1           This bill also requires that a voter provide proof of identity with documentation  
2 approved by the Secretary of State by rule.

3           This bill also prohibits a municipal clerk from issuing a 2nd state absentee ballot to  
4 an applicant after a ballot has been returned by the applicant to the clerk, except for good  
5 cause, and stipulates that an applicant's decision to change a vote does not constitute good  
6 cause.