

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1528

H.P. 1122

House of Representatives, April 28, 2011

An Act To Amend the Election Laws and Other Related Laws

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CROCKETT of Bethel.
Cosponsored by Senator TRAHAN of Lincoln and
Representative: ROSEN of Bucksport.

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

2 **Sec. 1. 1 MRSA §353**, as amended by PL 2009, c. 538, §1, is further amended to
3 read:

4 **§353. Explanation of proposed amendments and statewide referenda**

5 With the assistance of the Secretary of State, the Attorney General shall prepare a
6 brief explanatory statement that must fairly describe the intent and content and what a
7 "yes" vote favors and a "no" vote opposes for each direct initiative, bond issue,
8 constitutional resolution or statewide referendum that may be presented to the people ~~and~~
9 ~~that must include any information prepared by the Treasurer of State under Title 5,~~
10 ~~section 152. The explanatory statement may not include comments of proponents or~~
11 ~~opponents as provided by section 354. In addition to the explanatory statement, the~~ The
12 Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of
13 each constitutional resolution or statewide referendum on state revenues, appropriations
14 and allocations of each measure that may appear on the ballot, within the following time
15 frames: for a direct initiative, within 15 business days after the receipt of the application
16 and full text of the proposed law by the applicant has given consent to the Secretary of
17 State for the final language of the proposed law; and for a statewide referendum, bond
18 issue or constitutional resolution, within 30 days after adjournment of the legislative
19 session in which the measure was passed. The fiscal impact estimate must summarize the
20 aggregate impact that the constitutional resolution ~~or~~ statewide referendum, direct
21 initiative or bond issue will have on the General Fund, the Highway Fund, Other Special
22 Revenue Funds and the amounts distributed by the State to local units of government.

23 **Sec. 2. 1 MRSA §354**, as enacted by PL 2005, c. 316, §2, is amended to read:

24 **§354. Public comment on proposed amendments and statewide referenda; rules;**
25 **fees**

26 The Secretary of State shall adopt rules regarding the publication of public comment
27 by proponents and opponents of direct initiatives, bond issues, constitutional resolutions
28 or statewide referenda. These rules must include, but are not limited to, a word limit, the
29 labeling of public comment as supporting or opposing a measure and the identification of
30 the person or persons responsible for the comment. Rules adopted pursuant to this
31 section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
32 Beginning with the November 2006 election and every election thereafter, the Secretary
33 of State shall publish the public comment, along with the explanatory statement and fiscal
34 estimate required under section 353, on a publicly accessible site on the Internet and in
35 pamphlets distributed to the municipalities of the State. A person filing a public
36 comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected
37 pursuant to this section must be deposited in the Public Comment Publication Fund
38 established under Title 5, section 90-D.

39 **Sec. 3. 5 MRSA §152**, as amended by PL 2007, c. 515, §1, is further amended to
40 read:

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

2 In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of
3 State shall prepare a signed statement, called the Treasurer's Statement, to accompany any
4 question submitted to the electors for ratification of a bond issue setting forth the total
5 amount of bonds of the State outstanding and unpaid, the total amount of bonds of the
6 State authorized and unissued and the total amount of bonds of the State contemplated to
7 be issued if the enactment submitted to the electors should be ratified. The Treasurer of
8 State shall also set forth in that statement an estimate of costs involved, including
9 explanation of, based on such factors as interest rates that may vary, the interest cost
10 contemplated to be paid on the amount to be issued, the total cost of principal and interest
11 that will be paid at maturity and any other substantive explanatory information relating to
12 the debt of the State as the Treasurer of State considers appropriate. To meet the
13 requirement that the signed statement of the Treasurer of State accompany any ballot
14 question for ratification of a bond issue, the statement may be printed on the ballot or it
15 may be printed as a separate document that is ~~posted in each voting booth on election day~~
16 and, ~~in the case of absentee voting, the statement must be made available to each voter~~
17 ~~who votes in the presence of the municipal clerk or provided along with the ballot to each~~
18 ~~absentee voter who does not vote in the presence of the municipal clerk~~ voters as
19 provided in Title 21-A, sections 605 and 651.

20 **Sec. 4. 21-A MRSA §1, sub-§21**, as amended by PL 2007, c. 515, §2, is further
21 amended to read:

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

35 **Sec. 5. 21-A MRSA §22, sub-§7** is enacted to read:

36 **7. Incoming voting list.** After the incoming voting list is unsealed following the
37 election, the list must be made available for public inspection and copying in accordance
38 with Title 1, section 408.

39 **Sec. 6. 21-A MRSA §23, sub-§7**, as amended by PL 1985, c. 383, §1, is further
40 amended to read:

41 **7. Ballots and other election materials.** The clerk shall keep the ballots, envelopes
42 and applications from voters who voted by absentee ballot and other election materials

1 listed in section 698 ~~in his other than the incoming voting list in the clerk's office or other~~
2 secure location under the control of the clerk for 22 months and incoming voting lists for
3 2 years following the election, unless sooner released to the Secretary of State or required
4 by the Secretary of State to be kept longer. Once released to the Secretary of State, they
5 ~~shall must~~ be kept by ~~him~~ the Secretary of State until any appeal period bearing on the
6 validity of the election has expired. Notwithstanding this subsection, ballots used for
7 municipal elections conducted under this Title, referenda elections or special legislative
8 elections ~~shall must~~ be kept for 2 months.

9 **Sec. 7. 21-A MRSA §23, sub-§7-A** is enacted to read:

10 **7-A. Incoming voting lists.** The clerk shall keep the incoming voting lists in the
11 clerk's office for 2 years following the election.

12 **Sec. 8. 21-A MRSA §155, first ¶**, as amended by PL 2005, c. 453, §30, is further
13 amended to read:

14 The registrar shall conditionally accept the registration and enrollment of any person
15 who is 17 years of age ~~and will attain 18 years of age by the next election~~, and who is
16 otherwise qualified to be a voter. The conditional registration automatically becomes
17 effective on the person's 18th birthday and the registrant then is eligible to vote.

18 **Sec. 9. 21-A MRSA §337, sub-§2, ¶D**, as amended by PL 2003, c. 447, §11, is
19 further amended to read:

20 D. A challenger or a candidate may appeal the decision of the Secretary of State by
21 commencing an action in the Superior Court. This action must be conducted in
22 accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified
23 by this section. This action must be commenced within 5 days of the date of the
24 decision of the Secretary of State ~~and must be tried, without a jury, within 10 days of~~
25 ~~the date of that decision~~. Upon timely application, anyone may intervene in this
26 action when the applicant claims an interest relating to the subject matter of the
27 petitions, unless the applicant's interest is adequately represented by existing parties.
28 The court shall issue a written decision containing its findings of fact and conclusions
29 of law and setting forth the reasons for its decision within 20 days of the date of the
30 decision of the Secretary of State.

31 **Sec. 10. 21-A MRSA §356, sub-§2, ¶D**, as amended by PL 2009, c. 253, §22, is
32 further amended to read:

33 D. A challenger or a candidate may appeal the decision of the Secretary of State by
34 commencing an action in the Superior Court. This action must be conducted in
35 accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified
36 by this section. This action must be commenced within 5 days of the date of the
37 decision of the Secretary of State ~~and must be tried, without a jury, within 10 days of~~
38 ~~the date of that decision~~. Upon timely application, anyone may intervene in this
39 action when the applicant claims an interest relating to the subject matter of the
40 petition, unless the applicant's interest is adequately represented by existing parties.
41 The court shall issue its written decision containing its findings of fact and

1 conclusions of law and setting forth the reasons for its decision within 20 days of the
2 date of the decision of the Secretary of State.

3 **Sec. 11. 21-A MRSA §371**, as amended by PL 2007, c. 455, §15, is further
4 amended to read:

5 **§371. Candidates for nomination; vacancy**

6 If a candidate for nomination dies, withdraws at least 60 days before the primary or
7 becomes disqualified after having filed the candidate's primary petition, so that a party
8 has fewer candidates than there are offices to be filled, the vacancy may be filled by a
9 political committee pursuant to section 363. The Secretary of State shall declare the
10 vacancy pursuant to section 362-A. ~~A candidate for nomination may not withdraw less
11 than 60 days before the primary election.~~ Less than 60 days before the primary election,
12 a candidate may withdraw from the primary by providing a written notice to the Secretary
13 of State that the candidate is withdrawing and will not serve if elected. The candidate's
14 name will not be removed from the ballot, but upon receipt of the notice of late
15 withdrawal, the Secretary of State shall instruct the local election officials in the
16 candidate's electoral district to distribute notices with absentee ballots requested after that
17 date and to post a notice at each voting place in the district informing voters that the
18 candidate has withdrawn and that a vote for that candidate will not be counted. Notice of
19 the late withdrawal must also be posted on the Secretary of State's publicly accessible
20 website.

21 **Sec. 12. 21-A MRSA §374-A, sub-§1, ¶A**, as amended by PL 1993, c. 447, §4,
22 is further amended to read:

23 A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general
24 election in accordance with section 367;

25 **Sec. 13. 21-A MRSA §374-A, sub-§3**, as enacted by PL 2007, c. 455, §16, is
26 amended to read:

27 **3. Deadline for withdrawal.** A candidate for an office on the general election ballot
28 ~~may not~~ must ~~withdraw less than~~ at least 60 days before the general election in order for
29 the candidate's name to be removed from the ballot. Less than 60 days before the general
30 election, a candidate may withdraw from the election by providing a written notice to the
31 Secretary of State that the candidate is withdrawing and will not serve if elected. The
32 candidate's name will not be removed from the ballot, but upon receipt of the notice of
33 late withdrawal, the Secretary of State shall instruct the local election officials in the
34 candidate's electoral district to distribute notices with absentee ballots requested after that
35 date and to post a notice at each voting place in the district informing voters that the
36 candidate has withdrawn and that a vote for that candidate will not be counted. Notice of
37 the late withdrawal must also be posted on the Secretary of State's publicly accessible
38 website.

39 **Sec. 14. 21-A MRSA §605**, as amended by PL 2007, c. 455, §22, is repealed.

40 **Sec. 15. 21-A MRSA §605-A** is enacted to read:

1 **§605-A. Instructions**

2 **1. For election officials.** The Secretary of State shall provide the clerk, registrar and
3 election officials of each municipality with printed instructions and information to assist
4 them in performing the requirements of this Title.

5 **2. For voters.** The Secretary of State shall prepare instructional materials and
6 posters and provide them to each municipality to assist voters in registering to vote and in
7 voting.

8 A. The voting instruction poster must include information on how to mark the ballot,
9 including how to mark a write-in vote; how to replace the ballot if the voter makes a
10 mistake; and how to receive assistance in marking the ballot. It may include other
11 voting information.

12 B. The voting rights poster or notice must contain information advising prospective
13 registrants and voters of their voting rights.

14 C. The election penalty poster or notice must contain information regarding penalties
15 for voting law violations.

16 D. The Treasurer's Statement must be prepared according to Title 5, section 152 to
17 accompany ballots containing any statewide bond issues. The Secretary of State must
18 include written instructions on each referendum ballot that indicate where the voter
19 may view the Treasurer's Statement on the Secretary of State's publicly accessible
20 website.

21 E. For each referendum ballot, a citizen's guide to the referendum election must be
22 prepared and include the full text of each measure; the Attorney General's
23 explanatory statement prepared under Title 1, section 353; the Treasurer's Statement
24 prepared under Title 5, section 152; the Office of Fiscal and Program Review's
25 estimate of the fiscal impact prepared under Title 1, section 353; and any public
26 comment submitted pursuant to Title 1, section 354. The Secretary of State must post
27 a citizen's guide to the referendum election on the Secretary of State's publicly
28 accessible website and provide a printed copy to each municipality and to each public
29 library in the State.

30 Each municipality must post the voter instructional materials as described in section 651.

31 **Sec. 16. 21-A MRSA §606**, as amended by PL 2007, c. 455, §23, is repealed and
32 the following enacted in its place:

33 **§606. Official ballots**

34 Within a reasonable time before any election, the Secretary of State shall furnish each
35 municipality with official ballots to be used for absentee voting and for voting on election
36 day.

37 **1. Number of ballots furnished.** The Secretary of State shall review the number of
38 votes cast at the last election of that type as well as current registration and enrollment
39 statistics in each voting district when determining the number of ballots to be furnished to
40 each municipality. If the clerk believes that extra ballots will be needed, the clerk must

1 request them from the Secretary of State a reasonable time before the election and
2 provide a written justification for the request. The Secretary of State may send the
3 requested number to the clerk and may furnish as many additional ballots as the Secretary
4 of State believes necessary.

5 **2. How packaged.** The ballots must be bundled and sealed in units as determined by
6 the Secretary of State. Each package to be shipped must be labeled on the outside with
7 the name of the municipality for which it is intended and indicate that it contains state
8 ballots. If the municipality has more than one voting place or voting district, then each
9 package of ballots for election day must be labeled on the outside to indicate the voting
10 place or voting district for which it is intended.

11 **3. Receipt issued; inspection of ballots by the clerk.** Upon receipt of one or more
12 packages of official ballots for an election, the clerk shall use the following process to
13 inspect and verify the contents of the packages.

14 A. Upon receipt of absentee ballots or blank absentee ballots, the clerk shall open
15 each sealed package and verify that the ballots do not have any errors and that the
16 correct amount of ballots has been received. The clerk shall immediately complete
17 and return the receipt form provided by the Secretary of State, confirming receipt and
18 noting any discrepancies in the type or amount of ballots received. The clerk shall
19 then proceed to issue absentee ballots or blank absentee ballots in response to
20 pending requests.

21 B. Upon receipt of regular ballots to be used on election day, the clerk shall open, in
22 the presence of one or more witnesses, each sealed package and verify that the ballots
23 do not have any errors and that the correct amount of ballots has been received. The
24 clerk shall immediately complete and return the receipt form provided by the
25 Secretary of State, confirming receipt and noting any discrepancies in the type or
26 amount of ballots received. The clerk may remove ballots to be used for testing
27 electronic tabulating systems or other voting devices and mark them as provided by
28 section 854. The clerk shall complete the clerk's portion of the warden's receipt of
29 ballots and shall then reseal each package of regular ballots and secure each package
30 until election day when it is delivered to the warden at the voting place.

31 **4. Records kept.** The Secretary of State shall keep a record of the time when and
32 the manner in which the ballots were furnished to each municipality.

33 **5. Reproducing official ballots.** It is unlawful for a person to copy or reproduce an
34 unmarked official ballot without the express authorization of the Secretary of State.

35 **Sec. 17. 21-A MRSA §609** is enacted to read:

36 **§609. Ballot security materials**

37 The Secretary of State shall furnish each municipality with tamper-proof ballot
38 security containers and locks, which must be used for securing used ballots and other
39 election materials for statewide elections conducted under this Title. If a state-supplied
40 container or lock becomes defective, lost or destroyed, the clerk must apply in writing to
41 the Secretary of State for a replacement. The Secretary of State shall supply or approve a

1 replacement at the expense of the municipality. If a municipality wishes to use a
2 tamper-proof ballot security container to seal municipal election ballots and materials,
3 that municipality must obtain the container and lock at its own expense. For each
4 election, the Secretary of State also must furnish uniquely numbered seals to be used to
5 secure the containers.

6 **Sec. 18. 21-A MRSA §626, sub-§1**, as amended by PL 1997, c. 436, §88, is
7 further amended to read:

8 **1. Opening time flexible.** The polls must be opened no earlier than 6 a.m. and no
9 later than 9 a.m. on election day; ~~except that in municipalities with a population of less~~
10 ~~than 4,000, the polls must be opened no later than 10:00~~ § a.m. on election day. The
11 municipal officers of each municipality shall determine the time of opening the polls
12 within these limits. The municipal clerk shall notify the Secretary of State of the poll
13 opening times at least 30 days before each election conducted under this Title.

14 **Sec. 19. 21-A MRSA §629, sub-§1, ¶D-1**, as amended by PL 2009, c. 538, §8,
15 is repealed.

16 **Sec. 20. 21-A MRSA §629, sub-§3**, as amended by PL 1995, c. 459, §52, is
17 further amended to read:

18 **3. Described.** Each booth must have within it a pencil or marker without an eraser
19 and a shelf on which a voter may mark a ballot conveniently. An instruction poster
20 provided under section ~~605~~ 605-A, subsection 2 must be securely placed above the shelf
21 to assist the voter. Each booth must have back and side panels large enough to screen the
22 voter from the observation of others.

23 **Sec. 21. 21-A MRSA §631-A, sub-§3** is enacted to read:

24 **3. Change of voting place.** If the municipal officers wish to change the location of a
25 voting place, they must apply to the Secretary of State at least 60 days before the next
26 statewide election, unless an emergency exists. The Secretary of State shall design the
27 application form. The Secretary of State must approve the application before the voting
28 place may be changed.

29 **Sec. 22. 21-A MRSA §651, sub-§2**, as amended by PL 2009, c. 253, §25, is
30 further amended to read:

31 **2. Election materials distributed and posted.** At any time after the materials are
32 received and before the polls are open, the clerk may open the packages or boxes of
33 election materials, break the seals on the packages not marked "ballots," and use the
34 materials for instructional purposes. ~~The election officials shall post one instruction~~
35 ~~poster in each voting booth and at least one instruction poster outside the guardrail where~~
36 ~~it is visible to voters before they have voted. The election officials shall also post one set~~
37 ~~of sample ballots or one set of sample ballot labels for each ballot being used in that~~
38 ~~voting place, along with one poster of the constitutional resolutions and statewide~~
39 ~~referenda, outside the guardrail where they are visible to voters. The election officials~~
40 ~~shall post a list of any declared write-in candidates for that voting district, with the office~~

1 ~~sought, next to the sample ballot.~~ On election day, the clerk or the election officials must
2 post the voter instructional materials described in section 605-A, if applicable to the
3 election, as follows:

4 A. In each voting booth: one voting instruction poster prepared under section 605-A;
5 and

6 B. Outside the guardrail enclosure at each voting place:

7 (1) At least one voting instruction poster prepared under section 605-A;

8 (2) One set of sample ballots for each ballot style being used in that voting place;

9 (3) A list of any declared write-in candidates for that voting district, with the
10 office sought, next to the sample ballots;

11 (4) One voting rights poster or notice prepared under section 605-A;

12 (5) One election penalty poster or notice prepared under section 605-A;

13 (6) One Treasurer's Statement prepared under Title 5, section 152;

14 (7) One citizen's guide to the referendum election prepared under section 605-A;
15 and

16 (8) One copy of the Office of Fiscal and Program Review's estimate of the fiscal
17 impact prepared under Title 1, section 353.

18 **Sec. 23. 21-A MRSA §674, sub-§1, ¶B-2**, as enacted by PL 2003, c. 447, §15, is
19 amended to read:

20 B-2. Attempts to influence a voter in marking that voter's ballot; or

21 **Sec. 24. 21-A MRSA §674, sub-§1, ¶C**, as repealed and replaced by PL 1993, c.
22 473, §18 and affected by §46, is amended to read:

23 C. Assists or offers to assist another person at the voting place in marking that other
24 person's ballot, unless the person has been requested to do so by the warden or ward
25 clerk; ~~or~~.

26 **Sec. 25. 21-A MRSA §674, sub-§1, ¶D**, as repealed and replaced by PL 1993, c.
27 473, §18 and affected by §46, is repealed.

28 **Sec. 26. 21-A MRSA §674, sub-§2, ¶A**, as amended by PL 2003, c. 447, §16, is
29 further amended to read:

30 A. Assists another person in voting, knowing that the other person is not eligible to
31 vote; and

32 **Sec. 27. 21-A MRSA §674, sub-§2, ¶E** is enacted to read:

33 E. Having been entrusted with another voter's marked ballot, discloses the content of
34 that ballot to another person.

35 **Sec. 28. 21-A MRSA §696, sub-§6**, as amended by PL 2009, c. 253, §33, is
36 further amended to read:

1 **6. Rules.** The Secretary of State is authorized to adopt rules pursuant to Title 5,
2 chapter 375, subchapter 2-A for determining voter intent based on relevant case law and
3 provisions of this Title. These rules must be used by election officials in tabulating the
4 results of state and local elections and in all recounts conducted pursuant to this Title. A
5 copy of the rules must be included with the instructional materials provided to the clerk,
6 registrar and election officials in each municipality pursuant to section ~~605~~ 605-A,
7 subsection 1 and must be used by the Secretary of State in the training of election
8 officials pursuant to section 505. Rules adopted pursuant to this subsection are routine
9 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10 **Sec. 29. 21-A MRSA §698, sub-§2-A,** as amended by PL 2005, c. 568, §17, is
11 repealed and the following enacted in its place:

12 **2-A. Used ballots secured.** The election officials shall use the tamper-proof ballot
13 security containers described in section 609 to seal the used state ballots, wrapped with
14 their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective
15 ballots; void ballots; unopened envelopes containing rejected absentee ballots; envelopes
16 containing challenge certificates; and the official tally tape from the electronic tabulating
17 system. The containers must be further secured as follows.

18 A. Each tamper-proof ballot security container must be locked with a state-supplied
19 lock and sealed with a uniquely numbered seal before leaving the voting place. The
20 lock and seal numbers must correlate with a certificate identifying the person sealing
21 the container and the time of the sealing.

22 B. Ballots and election materials for municipal elections conducted at the same time
23 as a state election must be sealed separately from state ballots and other state election
24 materials and may not be sealed in the state-supplied tamper-proof ballot security
25 containers. If municipalities wish to use tamper-proof ballot security containers to
26 seal municipal election materials, they must obtain the containers and locks at their
27 own expense.

28 The sealed tamper-proof ballot security containers of used ballots must remain sealed for
29 at least 2 months after the election, unless the Secretary of State authorizes the clerk to
30 open the containers prior to that date. After 2 months, the clerk shall open the containers
31 in the presence of one or more witnesses and transfer the ballots to other containers for
32 the remainder of the retention period described in section 23. The new containers must be
33 securely sealed.

34 **Sec. 30. 21-A MRSA §698, sub-§3-A** is enacted to read:

35 **3-A. Absentee envelopes sealed in separate containers.** The election officials
36 shall seal the used absentee envelopes, from which the voted ballots have been removed
37 and counted, with the applicable applications attached, in one or more tamper-proof ballot
38 security containers or other containers separate from the containers with the used or
39 unused ballots. The municipal clerk shall keep these containers of used absentee
40 envelopes sealed for 5 business days after the election or until the time for any recount
41 conducted under section 737-A, contested election or appeal has passed, whichever is
42 longer. At the end of the 5th business day after the election, if the municipal clerk
43 verifies that a recount has not been requested, the municipal clerk shall unseal the

1 containers of used absentee envelopes and keep them in the clerk's office as a public
2 record for the time required for retention of ballots under section 23.

3 **Sec. 31. 21-A MRSA §711, sub-§4** is enacted to read:

4 **4. Authority to open tamper-proof ballot security containers.** The Secretary of
5 State may authorize the municipal clerk, in the presence of the warden and an election
6 clerk from each of the major parties, to open the sealed tamper-proof ballot security
7 containers as described in section 609 holding used ballots to retrieve the incoming
8 voting list or a copy of any election return forms that were improperly sealed in the
9 containers. The Secretary of State also may authorize these election officials to review
10 and make copies of tabulation sheets that would assist in properly reporting or correcting
11 the results recorded on election night, as well as to review machine-tabulated ballots that
12 were hand counted because they were not read by the tabulator or because they contained
13 write-in votes, and to correct errors in the hand tabulation. The clerk must reseal the
14 containers and secure them for the remainder of the time required for retention of ballots
15 under section 23.

16 **Sec. 32. 21-A MRSA §854**, as amended by PL 1995, c. 459, §106, is further
17 amended to read:

18 **§854. Test of electronic tabulating equipment**

19 The clerk shall have the electronic tabulating equipment tested prior to the polls
20 opening to ascertain that it accurately counts the votes cast for all offices and on all
21 measures. The test must be conducted by processing a preaudited group of ballots
22 marked to record a predetermined number of valid votes for each candidate and on each
23 measure. In the presence of one or more witnesses, the clerk shall clearly mark each
24 ballot used for testing with the word "TEST" across the front side of the ballot in black or
25 blue indelible ink. The test must include one or more ballots that have votes for each
26 office in excess of the number allowed by law in order to test the ability of the electronic
27 tabulating equipment to reject those votes. In this test, valid votes must be assigned to
28 each candidate for an office and for and against each measure. If any error is detected, the
29 cause for the error must be ascertained and corrected and an errorless count must be made
30 and certified by the clerk before the polls open on election day. The test ballots, the hand
31 tally and the tapes generated as a result of the tests must be packed and sealed in a
32 container labeled "Test Ballots." The container must remain sealed ~~until~~ for at least ~~60~~
33 ~~days~~ 2 months after the election, unless needed for recount purposes. The tests provided
34 for in this section must be open to the public.

35 **Sec. 33. 21-A MRSA §902, 2nd ¶**, as amended by PL 2009, c. 611, §2, is further
36 amended to read:

37 The petitions must be signed, verified and certified in the same manner as are
38 nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7,
39 paragraphs A and C. The circulator of a petition must sign the petition and verify the
40 petition by oath or affirmation as described in section 354, subsection 7, paragraph A
41 prior to submitting the petition to the registrar. If the petitions submitted to the registrar
42 are not signed and verified in accordance with this paragraph, the registrar may not

1 certify the petitions and is required only to return the petitions. The clerk or registrar
2 shall keep a log of petitions submitted to the municipal office for verification. The log
3 must contain the title of the petition, the name of the person submitting the petition, the
4 date of submission, the number of petition forms submitted and the date and manner by
5 which the petitions were returned.

6 **Sec. 34. 30-A MRSA §371-B, sub-§3, ¶C**, as repealed and replaced by PL 1997,
7 c. 562, Pt. D, §6 and affected by §11, is amended to read:

8 C. The candidate applies to the Secretary of State for a criminal background
9 investigation; ~~and~~

10 **Sec. 35. 30-A MRSA §371-B, sub-§3, ¶D**, as amended by PL 1999, c. 338, §1,
11 is further amended to read:

12 D. The candidate submits written certification from the Maine Criminal Justice
13 Academy that the candidate has:

14 (1) Met the basic law enforcement training standards under Title 25, section
15 2804-C; or

16 (2) Met the basic corrections training standards under Title 25, section 2804-D
17 ~~and has 5 years of supervisory employment experience; and~~

18 **Sec. 36. 30-A MRSA §371-B, sub-§3, ¶E** is enacted to read:

19 E. The candidate swears to or affirms that the candidate has at least 5 years of
20 supervisory employment experience and submits the name, address and telephone
21 number for the relevant employer or employers.

22 SUMMARY

23 This bill clarifies the requirements for the information that is created to help voters
24 understand ballot questions, including the Attorney General's explanatory statement of
25 what a "yes" vote favors and what a "no" vote opposes; the Office of Fiscal and Program
26 Review's estimate of the fiscal impact on state revenues, appropriations and allocations of
27 each ballot measure; and the Treasurer's Statement that accompanies each bond issue.
28 This bill reorganizes the section on retention of election materials so that the incoming
29 voting list is addressed separately from the ballots. The bill adds a voter's year of birth to
30 the information that must be included on the incoming voting list and specifies that the
31 incoming voting list is a public record after it is unsealed following the election. This bill
32 reorganizes and enhances the sections of law governing the instructions that the Secretary
33 of State must prepare for election officials and voters and details how informational
34 materials must be made available to the voters. The bill clarifies the sections dealing with
35 candidate withdrawals less than 60 days before a primary or general election. The bill
36 also reorganizes the section of law governing how official ballots are provided to
37 municipalities and specifies how the chain of custody must be maintained. This bill
38 reorganizes the section of law governing how voted ballots are sealed and secured
39 following the election and creates a separate section to describe the ballot security
40 materials supplied by the Secretary of State. The bill creates a new requirement that a

1 municipality must apply to the Secretary of State at least 60 days before an election to
2 change the location of a voting place. The bill makes explicit that it is a crime for a
3 person who is entrusted with another voter's marked ballot to disclose the contents of that
4 ballot to another person. The bill also provides that absentee envelopes and applications
5 are to be sealed separately from the ballots so that they become public records after they
6 are unsealed. The bill permits the Secretary of State to authorize the municipal clerk, in
7 the presence of the warden and an election clerk from each of the major parties, to open
8 the sealed ballot security containers after an election for specific, limited purposes. The
9 bill requires the municipal clerk or registrar to keep a log of the petitions that are
10 submitted to the municipal office for certification. The bill also clarifies the supervisory
11 experience required for candidates for the office of sheriff. The bill makes other routine
12 or technical changes.