

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1138

S.P. 407

In Senate, March 31, 2015

### An Act Regarding Municipal Reporting of Statewide Elections

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative GIDEON of Freeport and  
Senators: BAKER of Sagadahoc, COLLINS of York, CYRWAY of Kennebec, GERZOFISKY  
of Cumberland, HILL of York, MASON of Androscoggin, PATRICK of Oxford,  
Representative: O'CONNOR of Berwick.

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

2 **Sec. 1. 21-A MRSA §721-A** is enacted to read:

3 **§721-A. Enforcement of reports of registration and enrollment**

4 **1. Municipality to identify clerk who fails to report.** If a clerk has not updated the  
5 central voter registration system by entering voter participation history for a statewide  
6 election pursuant to section 721 within 25 business days after the election, the  
7 municipality shall publish in a newspaper having general circulation within the  
8 municipality notice of the failure of the clerk to update the system and shall identify the  
9 clerk. By January 1st for the immediately previous general election and by August 1st for  
10 the immediately previous primary election, if a clerk has updated the central voter  
11 registration system by entering voter participation history for that election more than 25  
12 business days after the election or a clerk has not updated the system, the municipality  
13 shall indicate that action or lack of action in the municipality's next town report.

14 **2. Secretary of State to warn clerk who fails to report.** If a clerk fails to update  
15 the central voter registration system by entering voter participation history for a statewide  
16 election pursuant to section 721 within 25 business days after the election:

17 A. Before November 9, 2016, the Secretary of State shall provide a warning to the  
18 clerk for the clerk's failure to update the central voter registration system; and

19 B. After November 8, 2016, the Secretary of State shall provide a warning to the  
20 clerk for the clerk's failure to update the central voter registration system and, if the  
21 clerk has not updated the central voter registration system by entering voter  
22 participation history for a statewide election by January 1st for the immediately  
23 previous general election and by August 1st for the immediately previous primary  
24 election, the clerk commits a civil violation pursuant to subsection 3.

25 **3. Penalty.** A clerk to whom the Secretary of State has provided a warning pursuant  
26 to subsection 2, paragraph B who subsequently fails to update the central voter  
27 registration system by entering voter participation history by January 1st for the  
28 immediately previous general election and by August 1st for the immediately previous  
29 primary election commits a civil violation for which a fine may be adjudged of not more  
30 than \$50 for each day that the clerk fails to update the system after January 1st for the  
31 immediately previous general election or August 1st for the immediately previous  
32 primary election.

33 **4. Municipality is not liable.** A municipality is not liable for the failure of the  
34 municipality's clerk to update the central voter registration system by entering voter  
35 participation history for a statewide election pursuant to section 721.

36 **SUMMARY**

37 This bill provides for a municipal clerk who fails to update the central voter  
38 registration system by entering voter participation history to be warned by the Secretary  
39 of State and for the clerk's municipality to publish in a newspaper and its town report

1 notice of that failure. It also, beginning November 8, 2016, makes it a civil violation for  
2 a municipal clerk to fail to update the central voter registration system by entering voter  
3 participation history for a statewide election by January 1st for the immediately previous  
4 general election and by August 1st for the immediately previous primary election. The  
5 bill imposes a fine of not more than \$50 for each day after January 1st or August 1st that  
6 the clerk fails to update the system. It also stipulates that a municipality is not liable for a  
7 clerk's failure to update the system.