

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1271

H.P. 883

House of Representatives, March 30, 2017

**An Act Regarding the Certification Process for Direct Initiatives
and People's Veto Referenda**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Limington.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: CAMPBELL of Orrington, COREY of Windham, HANLEY of Pittston,
PIERCE of Dresden, SIROCKI of Scarborough, STROM of Pittsfield, TUELL of East
Machias, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 21-A MRSA §903-C, sub-§1, ¶C**, as amended by PL 2015, c. 99, §2, is
3 further amended to read:

4 C. The name and signature of a designated agent for the petition organization; ~~and~~

5 **Sec. 2. 21-A MRSA §903-C, sub-§1, ¶D**, as enacted by PL 2015, c. 99, §2, is
6 amended to read:

7 D. A list containing the names of all individuals hired by the petition organization to
8 assist in circulating petitions or in organizing, supervising or managing the
9 circulation. The list must be updated and resubmitted to the Secretary of State when
10 the petitions are filed pursuant to the Constitution of Maine, Article IV, Part Third,
11 Section 17 or 18; and

12 **Sec. 3. 21-A MRSA §903-C, sub-§1, ¶E** is enacted to read:

13 E. A list of all notaries public or other persons authorized by law to administer oaths
14 or affirmations hired by the petition organization to notarize or certify a petition
15 under section 903-D.

16 **Sec. 4. 21-A MRSA §903-D** is enacted to read:

17 **§903-D. Notaries public**

18 **1. Notaries public.** A notary public or other person authorized by law to administer
19 oaths or affirmations under section 354, subsection 7, paragraph A who notarizes or
20 certifies a petition under section 902:

21 A. Shall use a special seal and unique identifying number issued to the notary public
22 or other person authorized by law to administer oaths or affirmations by the Secretary
23 of State under subsection 2 to notarize or certify a petition under section 902;

24 B. May be compensated on a per signature basis;

25 C. May not be compensated on an hourly basis; and

26 D. May not be employed by a petition organization in any other capacity.

27 **2. Special seals for certifying petitions.** The Secretary of State shall issue a notary
28 public or other person authorized by law to administer oaths or affirmations a special seal
29 and unique identifying number to notarize or certify a petition under section 902. The fee
30 for a special seal and unique identifying number under this subsection is \$25. All fees
31 collected under this subsection must be used by the Secretary of State to cover expenses
32 in administering this subsection.

33 **3. Disqualification by Secretary of State.** The Secretary of State may disqualify a
34 petition notarized or certified in violation of this section. A petition organization that has
35 caused a petition to be notarized or certified or a notary public or other person authorized
36 by law to administer oaths or affirmations who has notarized or certified a petition
37 disqualified by the Secretary of State is entitled to a hearing to dispute the petition's

1 disqualification. A hearing under this subsection must be conducted by the Secretary of
2 State or the secretary's representative. A petition organization, notary public or person
3 authorized by law to administer oaths or affirmations may appeal a decision by the
4 Secretary of State in the Superior Court after a hearing conducted under this subsection.

5 **Sec. 5. 21-A MRSA §904, sub-§4**, as repealed and replaced by PL 2007, c. 455,
6 §53, is amended to read:

7 **4. Duplicate signature.** Knowingly signs the person's name more than once on
8 initiative or referendum petitions for the same measure; ~~or~~

9 **Sec. 6. 21-A MRSA §904, sub-§5**, as enacted by PL 2007, c. 455, §53, is
10 amended to read:

11 **5. False swearing; signature made in circulator's presence.** Circulates an
12 initiative or referendum petition and willfully swears that a signature to the petition was
13 made in the circulator's presence when it was not; or

14 **Sec. 7. 21-A MRSA §904, sub-§6** is enacted to read:

15 **6. Violating notarizing or certifying requirements.** Violates the notarizing or
16 certifying requirements under section 903-D by:

17 A. Notarizing or certifying a petition without a special seal or unique identifying
18 number required by section 903-D, subsection 2;

19 B. Being paid on an hourly basis for notarizing or certifying a petition under this
20 chapter;

21 C. As a petition organization, employing a notary public or other person authorized
22 by law to administer oaths or affirmations to notarize or certify a petition under this
23 chapter and employing the notary public or other person in another capacity for the
24 petition organization; or

25 D. As a notary public or other person authorized by law to administer oaths or
26 affirmations, notarizing or certifying a petition under section 902 for a petition
27 organization and being employed by the petition organization in another capacity.

28 **Sec. 8. 21-A MRSA §907** is enacted to read:

29 **§907. Fraud reporting**

30 The Secretary of State shall maintain on its publicly accessible website information
31 regarding a process by which a member of the public may report potential fraud in the
32 petition process under this chapter or other violation of this chapter.

33 **SUMMARY**

34 This bill amends the laws regarding the notarization or certification of a petition for a
35 people's veto referendum or a direct initiative of legislation by:

1 1. Requiring a petition organization when registering as a petition organization to list
2 all notaries public and other persons authorized by law to administer oaths or affirmations
3 who notarize or certify petitions for the petition organization;

4 2. Requiring a notary public or other person authorized by law to administer oaths or
5 affirmations to acquire a special seal and unique identifying number from the Secretary of
6 State to notarize or certify a petition;

7 3. Prohibiting a notary public or other person authorized by law to administer oaths
8 or affirmations who notarizes or certifies petitions for a petition organization from being
9 paid by the hour or being employed in any other capacity by the petition organization;

10 4. Allowing the Secretary of State to disqualify a petition for being notarized or
11 certified in violation of the notary requirements established by this bill and for a hearing
12 and appeal process by a petition organization or a notary public or other person
13 authorized by law to administer oaths or affirmations whose petition has been disqualified
14 by the Secretary of State;

15 5. Making a violation of the notary requirements established by this bill a Class E
16 crime; and

17 6. Requiring the Secretary of State to establish a publicly accessible website
18 providing information for the public about reporting fraud or other violations of the
19 petition process.