

MAINE STATE LEGISLATURE

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SMG
R. & S.

Date: 6-2-17

(Filing No. H-405)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 917, L.D. 1323, Bill, "An Act To Amend the Direct Initiative Signature Gathering Process"

Amend the bill by inserting after section 3 the following:

'Sec. 4. 21-A MRSA §902, as amended by PL 2011, c. 342, §31, is further amended to read:

§902. Verification and certification

The verification and certification of the petition as required by the Constitution of Maine, Article IV, Part Third, Section 20; must be worded so that a single verification or certification may cover one or more pages fastened together as a single petition.

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 the petition to the registrar before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be and that each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter. After administering the oath to the circulator, the notary public or other authorized person must sign the notarial certificate on the petition while in the presence of the circulator. After the petition is signed and verified in this manner, the petition must be submitted to the registrar for certification in accordance with the Constitution of Maine, Article IV, Part Third, Section 20.~~ If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions. The clerk or registrar shall keep a log of petitions submitted to the municipal office for verification. The log must contain the title of the petition, the name of the person submitting the petition, the date of submission, the number of petition forms submitted and the date and manner by which the petitions were returned. The notary

COMMITTEE AMENDMENT

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1 public or other authorized person who administered the oath to the circulator must keep a
2 log of petitions for which that person administered the circulator's oath, listing the title of
3 the petition, the name of the circulator taking the oath, the date of the oath and the
4 number of petition forms signed and verified by the circulator that day.

5 **Sec. 5. 21-A MRSA §903-D** is enacted to read:

6 **§903-D. Notaries public**

7 **1. Notaries public.** A notary public or other person authorized by law to administer
8 oaths or affirmations is prohibited from notarizing or certifying a petition under section
9 902;

10 A. If employed or compensated by a petition organization for any purpose other than
11 notarial acts;

12 B. If providing services or offering assistance to a ballot question committee
13 established to influence the ballot measure for which the petitions are being
14 circulated or employed by or receiving compensation from such a ballot question
15 committee for any purpose other than notarial acts; or

16 C. If a treasurer, principal officer, primary fundraiser or primary decision maker to a
17 ballot question committee established to influence the ballot measure for which
18 petitions are being circulated.'

19 Amend the bill by striking out all of section 5 and inserting the following:

20 '**Sec. 5. Secretary of State to accept reports of suspected fraudulent**
21 **signature gathering practices.** The Secretary of State shall establish a method to
22 facilitate the acceptance of reports from members of the public regarding suspected
23 fraudulent or illegal signature gathering practices for direct initiative and people's veto
24 petitions.'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 **SUMMARY**

28 This amendment adds sections to the bill regarding certifying and notarizing petitions
29 for a direct initiative or people's veto referendum. The amendment requires that a
30 circulator sign a petition in the presence of a notary public or other authorized person to
31 verify by oath or affirmation that the circulator personally witnessed all signatures to the
32 petition. After administration of the oath or affirmation by the notary public or other
33 authorized person, the notary public or other authorized person is required to sign the
34 notarial certificate in the presence of the circulator. It also requires the notary public or
35 other authorized person to maintain a log of the petitions for which the notary public or
36 other authorized person administered the circulator's oath.

37 The amendment also provides that a notary public or other authorized person is
38 prohibited from notarizing a petition for a direct initiative or people's veto if the notary
39 public or other authorized person is employed or compensated by a petition organization
40 or ballot question committee for any purpose other than providing notarial acts.



128th MAINE LEGISLATURE

LD 1323

LR 2089(02)

An Act To Amend the Direct Initiative Signature Gathering Process

Fiscal Note for Bill as Amended by Committee Amendment *A(H-405)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with establishing a method to facilitate the acceptance of reports from members of the public regarding suspected fraudulent signature gathering practices can be absorbed within existing budgeted resources.