

MAINE STATE LEGISLATURE

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L.D. 1726

Date: 3/26/18

Majority

(Filing No. H-683)

VETERANS AND LEGAL AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1206, L.D. 1726, Bill, "An Act To Amend the Laws Governing Elections"

Amend the bill by striking out all of sections 10 to 16.

Amend the bill by striking out all of sections 18 to 20 and inserting the following:

Sec. 18. 21-A MRSA §903-D, as enacted by PL 2017, c. 277, §5, is repealed.

Sec. 19. 21-A MRSA §903-E is enacted to read:

§903-E. Persons not authorized to administer an oath or affirmation to a petition circulator

1. Certain notaries public and others. A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation to the circulator of a petition under section 902:

A. If providing any other services, regardless of compensation, to initiate a direct initiative of legislation or people's veto referendum for which the petitions are being circulated. For the purposes of this paragraph, "initiate" has the same meaning as in section 1052, subsection 4-B; or

B. If providing services, regardless of compensation, to promote a direct initiative of legislation or people's veto referendum.

Sec. 20. 21-A MRSA §905-A, as enacted by PL 2007, c. 234, §6, is amended to read:

§905-A. Public comment on initiative questions

No later than 10 business days after the Legislature adjourns sine die, the Secretary of State shall give public notice of a proposed ballot question for any initiative that will be submitted to the voters at the next statewide election or special election by posting all proposed ballot questions on the Secretary of State's publicly accessible website. The Secretary of State may also publish notice for one day in newspapers having general

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1 circulation in the State. After giving public notice of a proposed ballot question in
2 accordance with this section, except as otherwise provided in this section, the Secretary
3 of State shall provide a 30-day public comment period for the purpose of receiving
4 comments on the content and form of proposed questions to be placed on the ballot for
5 any pending initiatives. No later than 10 days after receiving public comments in
6 accordance with this section and after review of those comments, the Secretary of State
7 shall write the ballot question for any pending initiative. If the Secretary of State
8 determines that the date upon which the Legislature adjourns sine die and the
9 requirements of this section are likely to interfere with the timely printing of ballots as
10 required by this Title, the public comment period may be reduced to a period of not less
11 than 21 days.'

12 Amend the bill by inserting after section 21 the following:

13 'Sec. 22. 28-A MRSA §121, sub-§1, as amended by PL 1993, c. 608, §2, is
14 further amended to read:

15 1. **Petition.** A petition for a local option election must be signed by a number of
16 voters equal to at least 15% of the number of votes cast in that municipality in the last
17 gubernatorial election. All petition signatures must have been signed since the last
18 general election. The petition must be addressed to and received by the municipal
19 officers at least 45 60 days before holding any primary, special statewide, general or
20 municipal election or town meeting.'

21 Amend the bill by inserting after section 22 the following:

22 'Sec. 23. 30-A MRSA §2528, sub-§4, ¶D, as amended by PL 1993, c. 608, §6, is
23 further amended to read:

24 D. A nomination paper or a certificate of political caucus nomination that complies
25 with this section is valid unless a written objection to it is made to the municipal
26 officers by the ~~43rd~~ 58th day prior to election day.

27 (1) If an objection is made, the clerk shall immediately notify the candidate
28 affected by it.

29 (2) The municipal officers shall determine objections arising in the case of
30 nominations. Their decision is final.

31 **Sec. 24. 30-A MRSA §2528, sub-§6-A, ¶¶A and B,** as enacted by PL 1993, c.
32 608, §8, are amended to read:

33 A. A candidate may withdraw from an elective race by notifying the municipal clerk
34 in writing of the candidate's intent to withdraw and the reason for withdrawal at least
35 45 60 days before the election. This notice must be signed by the candidate and must
36 be notarized.

37 B. Within the ~~45-day~~ 60-day period before an election, the municipal clerk may
38 allow a candidate to withdraw from an elective race. A candidate who requests to
39 withdraw within the ~~45-day~~ 60-day period before an election shall notify the
40 municipal clerk in writing of the candidate's intent to withdraw and the reason for
41 withdrawal. This notice must be signed by the candidate and must be notarized.'

COMMITTEE AMENDMENT

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

3 **SUMMARY**

4 This amendment, which is the majority report of the committee, removes the
5 provisions in the bill that make changes to the laws governing political activities at the
6 polling place. It also removes the provision of the bill that removes language that allows
7 an authorized person to sign a petition for a direct initiative of legislation or a people's
8 veto referendum on behalf of a voter at that voter's direction. The amendment removes a
9 section in the bill that makes changes to the laws governing when a notary public or other
10 person authorized to administer oaths is prohibited from administering an oath to a
11 circulator of a petition for a direct initiative of legislation or people's veto referendum and
12 replaces it with a new section. The new section provides that a notary public or other
13 person authorized to administer oaths is not authorized to administer an oath to a
14 circulator of a petition for a direct initiative of legislation or people's veto referendum
15 petition if that notary public or other person has provided services to initiate or promote
16 that direct initiative of legislation or people's veto referendum. Finally, the amendment
17 makes changes to the deadlines governing submission of municipal official candidate
18 nomination papers, municipal official candidate withdrawals and petitions for local
19 option elections on the sale of liquor. These deadline changes make those provisions
20 consistent with other deadlines enacted for similar submissions under Public Law 2017,
21 chapter 248.

22 **FISCAL NOTE REQUIRED**

23 (See attached)



128th MAINE LEGISLATURE

LD 1726

LR 2669(02)

An Act To Amend the Laws Governing Elections

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

A(H-683)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with this legislation can be absorbed within existing budgeted resources.