

# MAINE STATE LEGISLATURE

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L.D. 1726

Date: 3/26/18 Minority

(Filing No. H-684)

VETERANS AND LEGAL AFFAIRS

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

COMMITTEE AMENDMENT "B" 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 11 to 16 and inserting the following:

'Sec. 11. 21-A MRSA §682, sub-§2, as amended by PL 2005, c. 568, §14, is further amended to read:

2. Influence prohibited. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

- A. Influence another person's decision regarding a candidate or question that is on the ballot for the election that day; or
- B. Attempt to influence another person's decision regarding a candidate or question that is on the ballot for the election that day.

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote and has previously notified the clerk of the candidate's intention to be present at the voting place. A candidate may not state the name of the office sought or request a person's vote. A candidate may not permit more than one person to attend the voting place on that candidate's behalf for the purpose of communicating with voters in accordance with this subsection. A person attending the voting place on behalf of a candidate must provide advance notice to the clerk in the same manner as the candidate.

Sec. 12. 21-A MRSA §682, sub-§2-B is enacted to read:

2-B. Collection of signatures. This subsection governs the collection of signatures at the voting place.

- A. The warden may not permit the collection of signatures inside the voting place unless in a room or space of the premises of the voting place that has a separate access point distinct from the area of the premises where voting occurs and there is otherwise complete nonaccess between the 2 areas.

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1 B. The warden may permit the collection of signatures outside the voting place at the  
2 point of egress, if separate from the point of entry to the voting place. If the point of  
3 entry and egress are the same, a person collecting signatures may not be within 20  
4 feet of the point of egress.

5 C. The warden shall limit the number of issues, measures or candidates for which  
6 signatures are being collected to a total of 5.

7 D. The warden shall limit the number of persons collecting signatures for any one  
8 issue, measure or candidate to 2.

9 E. The warden may not prohibit the presence of persons who oppose the issue,  
10 measure or candidate for which signatures are being collected unless the number of  
11 persons opposing the issue, measure or candidate exceeds the number of persons  
12 collecting signatures for that issue, measure or candidate.

13 F. Persons who intend to collect signatures at or outside the voting place in  
14 accordance with this subsection and persons who will attend to oppose the collection  
15 of signatures shall provide advance notice to the clerk of their intent to be present at  
16 the voting place.

17 G. Upon notice of a person's intent to collect signatures at or outside the voting  
18 place, the clerk shall provide informational materials to that person describing the  
19 laws governing the collection of signatures at or outside the voting place.

20 H. Nothing in this subsection requires the warden or clerk to provide tables, chairs or  
21 other equipment to facilitate the collection of signatures at or outside the voting  
22 place.'

23 Amend the bill by striking out all of sections 19 and 20 and inserting the following:

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

25 §903-E. Persons not authorized to administer an oath or affirmation to a petition  
26 circulator

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

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

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

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

38 §905-A. Public comment on initiative questions

39 No later than 10 business days after the Legislature adjourns sine die, the Secretary of  
40 State shall give public notice of a proposed ballot question for any initiative that will be

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1 submitted to the voters at the next statewide election or special election by posting all  
2 proposed ballot questions on the Secretary of State's publicly accessible website. The  
3 Secretary of State may also publish notice for one day in newspapers having general  
4 circulation in the State. After giving public notice of a proposed ballot question in  
5 accordance with this section, except as otherwise provided in this section, the Secretary  
6 of State shall provide a 30-day public comment period for the purpose of receiving  
7 comments on the content and form of proposed questions to be placed on the ballot for  
8 any pending initiatives. No later than 10 days after receiving public comments in  
9 accordance with this section and after review of those comments, the Secretary of State  
10 shall write the ballot question for any pending initiative. If the Secretary of State  
11 determines that the date upon which the Legislature adjourns sine die and the  
12 requirements of this section are likely to interfere with the timely printing of ballots as  
13 required by this Title, the public comment period may be reduced to a period of not less  
14 than 21 days.'

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

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

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

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

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

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

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

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

34 Sec. 24. 30-A MRSA §2528, sub-§6-A, ¶¶A and B, as enacted by PL 1993, c.  
35 608, §8, are amended to read:

36 A. A candidate may withdraw from an elective race by notifying the municipal clerk  
37 in writing of the candidate's intent to withdraw and the reason for withdrawal at least  
38 45 60 days before the election. This notice must be signed by the candidate and must  
39 be notarized.

40 B. Within the ~~45-day~~ 60-day period before an election, the municipal clerk may  
41 allow a candidate to withdraw from an elective race. A candidate who requests to  
42 withdraw within the ~~45-day~~ 60-day period before an election shall notify the

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1 municipal clerk in writing of the candidate's intent to withdraw and the reason for  
2 withdrawal. This notice must be signed by the candidate and must be notarized.'

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

5 **SUMMARY**

6 This amendment, which is the minority report of the committee, removes the  
7 provision in the bill that repeals the laws governing political activities at the voting place  
8 and instead amends those laws. The amendment limits to one person the number of  
9 people who may attend a voting place on behalf of a candidate to communicate with  
10 voters in the manner permitted under existing law. It provides that a person collecting  
11 signatures must do so outside of the voting place unless there is a separate room on the  
12 premises of the voting place that is not accessible from the area where voting occurs. It  
13 limits the number of signature collectors on any one measure, issue or candidate to 2 and  
14 states that no more that 2 persons who oppose that measure, issue or candidate for which  
15 signatures are being collected may be afforded access to the area. It limits the total  
16 number of measures, issues or candidates for which signatures may be collected to 5.

17 The amendment removes a provision in the bill that permits the deposit of absentee  
18 ballots into a secured drop box accessible only by the municipal election clerk. It also  
19 removes a section in the bill that makes changes to the laws governing when a notary  
20 public or other person authorized to administer oaths is prohibited from administering an  
21 oath on a petition for a direct initiative of legislation or people's veto referendum and  
22 replaces it with a new section. The new section provides that a notary public or other  
23 person authorized by law to administer oaths is not authorized to administer an oath for a  
24 direct initiative of legislation or people's veto referendum petition if that person has  
25 provided services to initiate the measure or promote that direct initiative of legislation or  
26 people's veto referendum. Finally, the amendment makes changes to the deadlines  
27 governing submission of municipal official candidate nomination papers, municipal  
28 candidate withdrawals and petitions for local option votes on the sale of liquor. These  
29 deadline changes make those provisions consistent with other deadlines enacted for  
30 similar submissions under Public Law 2017, chapter 248.

31 The fiscal note on the amendment identifies a requirement that municipal election  
32 clerks provide informational materials to petition circulators describing the laws  
33 governing the solicitation of signatures at the voting place. This requirement does not  
34 necessarily require the development of new materials, as a copy of relevant statutory  
35 sections governing solicitation of signatures at the voting place sufficiently satisfies the  
36 requirement. A municipality may choose to provide informational materials of the  
37 municipality's own creation but that is an optional method of compliance. Thus, the  
38 members of the committee on this report find that the provisions identified as a potential  
39 mandate do not necessitate additional expenditures from local revenue.

40 **FISCAL NOTE REQUIRED**

41 (See attached)



# 128th MAINE LEGISLATURE

LD 1726

LR 2669(03)

## An Act To Amend the Laws Governing Elections

Fiscal Note for Bill as Amended by Committee Amendment

*B(H-684)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

Required Activity	Unit Affected	Local Cost
Requires election clerks to develop and provide informational materials to circulators of petitions describing the laws governing the collection of signatures at or outside polling places. This assumes the materials are not developed and provided to the clerks by the Secretary of State.	Municipality	Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

#### Fiscal Detail and Notes

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