

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1726

H.P. 1206

House of Representatives, December 22, 2017

An Act To Amend the Laws Governing Elections

Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative LUCHINI of Ellsworth.

Cosponsored by Representatives: GILLWAY of Searsport, LONGSTAFF of Waterville, WHITE of Washburn, Senators: DILL of Penobscot, JACKSON of Aroostook, MASON of Androscoggin.

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

2 **Sec. 1. 21-A MRSA §23, sub-§5**, as amended by PL 2005, c. 453, §7, is further
3 amended to read:

4 **5. Receipt of incoming voting list.** The registrar shall keep the receipt for certified
5 copies of the incoming voting list required by section 624, subsection 2, in the registrar's
6 office for ~~one year~~ 6 months.

7 **Sec. 2. 21-A MRSA §23, sub-§7**, as amended by PL 2011, c. 534, §1, is further
8 amended to read:

9 **7. Ballots and other election materials.** For 22 months following an election in
10 which a candidate for a federal office is on the ballot, the clerk shall keep the ballots,
11 tabulation materials related to those ballots and challenge certificates, if any, in the clerk's
12 office or other secure location under the control of the clerk, unless sooner released to the
13 Secretary of State or required by the Secretary of State to be kept longer. Once released
14 to the Secretary of State, they must be kept by the Secretary of State until any appeal
15 period bearing on the validity of the election has expired. Notwithstanding this
16 subsection, ballots used for municipal elections conducted under this Title, referenda
17 elections or special legislative elections must be kept for 2 months and test ballots and
18 documentation of preelection testing of tabulating or accessible voting devices must be
19 kept for 6 months.

20 **Sec. 3. 21-A MRSA §103, first ¶**, as amended by PL 2005, c. 453, §9, is further
21 amended to read:

22 In a city or town that has a population of 5,000 or more, if a person is aggrieved by
23 the decision of the registrar of voters to cancel that person's registration in the central
24 voter registration system or to reject that person's voter registration application, that
25 person may appeal in writing to the registration appeals board. The appeal must be filed
26 within 30 days after receipt of notice of the registrar's decision.

27 **Sec. 4. 21-A MRSA §163, first ¶**, as amended by PL 2009, c. 253, §15, is further
28 amended to read:

29 In a municipality that does not have a registration appeals board, if a person is
30 aggrieved by the decision of the registrar of voters to cancel that person's registration in
31 the central voter registration system or to reject that person's registration application, the
32 person may appeal in writing to the municipal officers by filing a complaint. The appeal
33 must be filed within 30 days after receipt of notice of the registrar's decision. The
34 municipal officers shall immediately fix a time and place for a prompt hearing. The voter
35 must be given written notice of the hearing at least 20 days in advance and must have the
36 opportunity to testify and to present witnesses and other evidence at the hearing. The
37 hearing is de novo. After hearing, the municipal officers may affirm, modify or reverse
38 the decision of the registrar of voters. The municipal officers shall issue the decision to
39 the voter in writing and shall provide information on how the voter may appeal the

1 decision. The aggrieved person may appeal the decision of the municipal officers to the
2 Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

3 **Sec. 5. 21-A MRSA §335, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is
4 amended to read:

5 A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated,
6 the primary petition must contain the term of office sought by the candidate.

7 **Sec. 6. 21-A MRSA §354, sub-§1, ¶A**, as enacted by PL 1985, c. 161, §6, is
8 amended to read:

9 A. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated,
10 the nomination petition must contain the term of office sought by the candidate.

11 **Sec. 7. 21-A MRSA §365, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended
12 to read:

13 **2. County committee.** A county committee makes choices for all county offices
14 except that committee members residing within county commissioner districts make
15 choices for county commissioner and committee members residing within senatorial
16 districts make choices for State Senator.

17 **Sec. 8. 21-A MRSA §601, sub-§2, ¶C**, as amended by PL 2001, c. 310, §29, is
18 further amended to read:

19 C. When 2 United States Senators are to be nominated or elected, the term of office
20 sought by each candidate must be specified on the ballot.

21 **Sec. 9. 21-A MRSA §601, sub-§2, ¶H**, as amended by PL 2007, c. 455, §18, is
22 further amended to read:

23 H. The name of each nominee or each candidate for nomination must appear on the
24 ballot as follows: last name first followed by the first name and middle name or
25 initial; last name first followed by the first name or the first initial and the middle
26 name; or last name first followed by the first name.

27 **Sec. 10. 21-A MRSA §662, sub-§4**, as amended by PL 1995, c. 459, §57, is
28 repealed.

29 **Sec. 11. 21-A MRSA §672, first ¶**, as amended by PL 2007, c. 455, §30, is
30 further amended to read:

31 A voter who is unable to read or mark the ballot because of physical disability,
32 illiteracy or religious faith may request another person, other than the voter's employer or
33 agent of that employer or officer or agent of the voter's union, to assist the voter in
34 reading the ballot or marking the ballot according to the voter's wishes. When assisting a
35 voter, the aide may not tell the voter how to make the voter's choices or otherwise
36 influence the voter in violation of section ~~682~~ 683.

37 **Sec. 12. 21-A MRSA §682**, as amended by PL 2015, c. 447, §22, is repealed.

1 **Sec. 13. 21-A MRSA §683** is enacted to read:

2 **§683. Activities prohibited within and around voting place and registrar's office**

3 During the time the polls are open on election day, the activities in subsections 1 to 4
4 and 6 are prohibited within a designated zone that includes the building where the
5 registrar's office is located when it is open, the voting place, public property within 50
6 feet of each entrance to the voting place and a 50-foot-wide pathway from the location of
7 voter parking or drop-off areas to each entrance into the voting place. For purposes of
8 this section, "public property" does not include a public right-of-way across privately
9 owned property if it is an easement right-of-way.

10 **1. Instruction limited.** A person may not instruct another in the method of marking
11 the ballot, except as provided in section 672.

12 **2. Influence related to the election.** A person may not:

13 A. Influence another person's decision regarding a candidate or question that is on
14 the ballot for the election that day; or

15 B. Attempt to influence another person's decision regarding a candidate or question
16 that is on the ballot for the election that day.

17 A candidate for an office that is on the ballot for the election that day may attend the
18 voting place and orally communicate with voters only if the candidate does so outside the
19 designated zone.

20 **3. Advertising related to the election.** A person may not display or distribute
21 advertising material; operate an advertising medium, including a sound amplification
22 device; or display or distribute campaign literature, posters, palm cards, buttons, badges
23 or stickers containing a candidate's name or a reference to a ballot question or otherwise
24 intending to influence the opinion of any voter regarding a candidate or question that is
25 on the ballot for the election that day. The term "sound amplification device" includes,
26 but is not limited to, sound trucks, loudspeakers and blowhorns.

27 A. This subsection does not apply to advertising material on automobiles traveling to
28 and from the voting place for the purposes of voting.

29 B. This subsection does not prohibit a person who is at the polls solely for the
30 purpose of voting from wearing a campaign button when the longest dimension of the
31 button does not exceed 3 inches or from wearing clothing or a hat that displays
32 campaign material.

33 **4. Exit polling related to the election.** A media representative or another person
34 may not conduct an exit poll related to a party, candidate or question that is on the ballot
35 for the election that day.

36 **5. Devices for audible communication.** A party worker or another person may not
37 use a cellular phone, voice pager or similar device to make audible communication within
38 the voting place that is in violation of subsection 2.

1 **6. Activities not related to the election.** A person may not conduct the following
2 activities:

3 A. Collect signatures for a candidate or a direct initiative of legislation or
4 referendum;

5 B. Display or distribute advertising or informational materials related to candidates
6 or issues; or

7 C. Conduct charitable or other nonelection-related activities.

8 **7. Violation.** A person who knowingly engages in activities prohibited by this
9 section commits a Class E crime.

10 If a person attempts to influence voters or interfere with their free passage, the warden
11 shall have that person removed from the voting place.

12 **Sec. 14. 21-A MRSA §753-B, sub-§5,** as amended by PL 2017, c. 248, §7, is
13 further amended to read:

14 **5. Alternate method of balloting by residents of certain licensed facilities.** The
15 municipal clerk shall designate one time during the 30-day period prior to an election
16 during which the municipal clerk shall be present in each licensed nursing home subject
17 to the provisions of Title 22, chapter 405; licensed level IV residential care facility
18 subject to the provisions of Title 22, chapter 1664; and licensed assisted living program
19 with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the
20 municipality for the purpose of conducting absentee voting by residents of these facilities.
21 The clerk shall designate which areas in these facilities constitute the voting place, the
22 voting booth and the guardrail enclosure. Sections 681 and ~~682~~ 683 apply to voting in
23 these facilities within the areas designated by the clerk. As used in this subsection, "level
24 IV residential care facility" means a residential care facility as defined by Title 22,
25 section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

26 **Sec. 15. 21-A MRSA §753-B, sub-§8,** as amended by PL 2011, c. 399, §24, is
27 further amended to read:

28 **8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee
29 ballot may, without completing an application, vote by absentee ballot in the presence of
30 the clerk, except as provided in subsection 2. The method of voting is otherwise as
31 prescribed in this article. After the person has voted, the clerk shall sign the affidavit on
32 the return envelope as a witness, indicate on the envelope that the voter voted in the
33 presence of a clerk and ensure that the affidavit on the return envelope is properly
34 completed by the voter. ~~For the 45 days preceding an election, during the hours when the~~
35 ~~clerk's office is open and may be conducting absentee voting, the display or distribution~~
36 ~~of any advertising material intended to influence a voter's decision regarding a candidate~~
37 ~~or question on the ballot for that election is prohibited within the clerk's office and on~~
38 ~~public property within 250 feet of the entrance to the building in which the clerk's office~~
39 ~~is located.~~ During the period before an election when the clerk's office is open and may
40 be conducting absentee voting, the restrictions in section 683 apply to the area in and
41 around the clerk's office.

1 This subsection does not apply to the display or distribution of any campaign advertising
2 material on private property that is within 250 feet of the entrance to the building in
3 which the clerk's office is located. For purposes of this section, "private property"
4 includes privately owned property subject to a public right-of-way that is an easement
5 right-of-way.

6 This subsection does not apply to campaign advertising material on automobiles traveling
7 to and from the municipal office or parked on municipal property while the occupants are
8 visiting the municipal office to conduct municipal business. It does not prohibit a person
9 who is at the municipal office for the purpose of conducting municipal business or for
10 absentee voting from wearing a campaign button when the longest dimension of the
11 button does not exceed 3 inches.

12 **Sec. 16. 21-A MRSA §754-A, sub-§1, ¶D**, as amended by PL 1999, c. 645, §7,
13 is further amended to read:

14 D. The voter or an immediate family member of the voter shall ~~then~~ return the sealed
15 envelope containing the voted ballot to the clerk of the municipality where the voter
16 resides by mail or deliver in person the sealed envelope containing the voted ballot to
17 the clerk of the municipality of which the voter is a resident, by personal delivery or
18 by depositing it into a secured drop box accessible by only the municipal clerk. The
19 voter shall send a completed voter registration or absentee ballot application, if
20 necessary, in a separate envelope.

21 **Sec. 17. 21-A MRSA §760-B, sub-§2**, as amended by PL 2015, c. 406, §1, is
22 further amended to read:

23 **2. Notice of early processing.** The clerk must give notice of the municipality's
24 intent to process absentee ballots prior to election day using the notice of ~~election under~~
25 ~~section 621-A~~ early processing form provided by the Secretary of State, stating the days
26 and times that the clerk intends to begin processing absentee ballots and the inspection
27 period provided in subsection 3. At least 60 days before election day, the clerk shall
28 provide a copy of the notice of ~~election~~ early processing to the Secretary of State and the
29 chairs of each political party of the municipality indicating that early processing of
30 absentee ballots will occur. The notice to the political parties must be considered
31 sufficient as long as it is mailed to the last address of each municipal chair that is known
32 to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or
33 as a scanned attachment to an e-mail address established by the Secretary of State. If the
34 notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before
35 election day, the municipality may not process absentee ballots prior to election day.

36 **Sec. 18. 21-A MRSA §902, 2nd ¶**, as amended by PL 2017, c. 277, §4, is further
37 amended to read:

38 The petitions must be signed in the same manner as are nonparty nomination petitions
39 under section 354, subsections 3 and 4. The circulator of a petition must sign the petition
40 and verify by oath or affirmation before a notary public or other person authorized by law
41 to administer oaths or affirmations that the circulator personally witnessed all of the
42 signatures to the petition and that to the best of the circulator's knowledge and belief each
43 signature is the signature of the person whose name it purports to be ~~and that each~~

1 ~~signature authorized under section 153-A was made by the authorized signer in the~~
2 ~~presence and at the direction of the voter.~~ After administering the oath to the circulator,
3 the notary public or other authorized person must sign the notarial certificate on the
4 petition while in the presence of the circulator. After the petition is signed and verified in
5 this manner, the petition must be submitted to the registrar for certification in accordance
6 with the Constitution of Maine, Article IV, Part Third, Section 20. If the petitions
7 submitted to the registrar are not signed and verified in accordance with this paragraph,
8 the registrar may not certify the petitions and is required only to return the petitions. The
9 clerk or registrar shall keep a log of petitions submitted to the municipal office for
10 verification. The log must contain the title of the petition, the name of the person
11 submitting the petition, the date of submission, the number of petition forms submitted
12 and the date and manner by which the petitions were returned. The notary public or other
13 authorized person who administered the oath to the circulator must keep a log of petitions
14 for which that person administered the circulator's oath, listing the title of the petition, the
15 name of the circulator taking the oath, the date of the oath and the number of petition
16 forms signed and verified by the circulator that day.

17 **Sec. 19. 21-A MRSA §903-D, sub-§1**, as enacted by PL 2017, c. 277, §5, is
18 amended to read:

19 **1. Notaries public.** A notary public or other person authorized by law to administer
20 oaths or affirmations is prohibited from notarizing ~~or certifying~~ a petition under section
21 902:

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

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

28 C. If a treasurer, principal officer, primary fundraiser or primary decision maker to a
29 ballot question committee established to influence the ballot measure for which
30 petitions are being circulated.

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

33 No later than 10 business days after the Legislature adjourns sine die, the Secretary of
34 State shall give public notice of a proposed ballot question for any initiative that will be
35 submitted to the voters at the next statewide election or special election by posting all
36 proposed ballot questions on the Secretary of State's publicly accessible website. The
37 Secretary of State may also publish notice for one day in newspapers having general
38 circulation in the State. After giving public notice of a proposed ballot question in
39 accordance with this section, the Secretary of State shall provide a ~~30-day~~ 21-day public
40 comment period for the purpose of receiving comments on the content and form of
41 proposed questions to be placed on the ballot for any pending initiatives. No later than 10
42 days after receiving public comments in accordance with this section and after review of

1 those comments, the Secretary of State shall write the ballot question for any pending
2 initiative.

3 **Sec. 21. 21-A MRSA §1204-B, sub-§80, ¶A**, as enacted by PL 2013, c. 270, Pt.
4 B, §2 and affected by §3, is amended to read:

5 A. In Kennebec County, the minor civil divisions of Vassalboro and Windsor; and
6 the following census units in the minor civil division of Augusta: Blocks 1000, 1001,
7 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1022, 1023, 1024,
8 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2002,
9 2004, 2005, 2006, 2007, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2037 and 2049
10 of Tract 010100; and ~~Block 1026 of Tract 010500~~; and

11 **Sec. 22. 30-A MRSA §62, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and
12 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
13 repealed.

14 **Sec. 23. 30-A MRSA §5772, sub-§2-A**, as enacted by PL 1991, c. 548, Pt. D, §7
15 and affected by §10, is amended to read:

16 **2-A. Financial statement required.** The treasurer of the municipality shall prepare
17 a signed statement to accompany any question submitted to the electors for ratification of
18 a general obligation of the municipality bond issue. To meet this requirement, the signed
19 statement of the municipal treasurer may be printed on the ballot or it may be printed as a
20 separate document that is made available to voters. The statement must set forth:

21 A. The total amount of bonds of the municipality outstanding and unpaid, the total
22 amount of bonds of the municipality authorized and unissued and the total amount of
23 bonds of the municipality contemplated to be issued if the enactment submitted to the
24 electors is ratified;

25 B. An estimate and explanation of costs involved, including varying interest rates,
26 the estimated cost of interest on the bond amount to be issued, the total cost of
27 principal and interest to be paid at maturity and any other substantive information
28 relating to the debt of the municipality as the treasurer may ~~deem~~ consider
29 appropriate; and

30 C. A declaration that the validity of the bonds and of the voters' ratification of the
31 bonds may not be affected by any errors in the estimate made pursuant to paragraph

32 B. If the actual amount of the total debt service for the bond issue varies from the
33 estimate, the ratification by the electors is nevertheless conclusive and the validity of
34 the bond issue is not affected by reason of the variance.

35 SUMMARY

36 This bill makes the following changes to the election laws.

37 1. It reduces the retention period for the receipt for certified copies of the incoming
38 voting list from one year to 6 months.

- 1 2. It adds a retention period of 6 months for test ballots and documentation of testing.
- 2 3. It adds a deadline for an aggrieved person to appeal a decision of the registrar of
3 voters regarding the person's voter registration.
- 4 4. It removes an obsolete requirement regarding the nomination of county
5 commissioners that primary and nomination petitions must specify the term of office.
- 6 5. It clarifies that county committee members residing within county commissioner
7 districts make choices for county commissioner nominations for vacancies.
- 8 6. It provides that when 2 United States Senators are to be elected, the term of office
9 sought by each candidate must be specified on the ballot.
- 10 7. It specifies acceptable formats for names of candidates for nomination to appear
11 on a ballot.
- 12 8. It repeals the provision of law allowing for collection of signatures in the voting
13 place.
- 14 9. It replaces the current restrictions on political activities occurring within 250 feet
15 of the voting place on election day with new restrictions on both election-related and
16 nonelection-related political and other activities within a designated zone that includes
17 the building where the registrar's office is located when it is open, the voting place, public
18 property within 50 feet of each entrance to the voting place and a 50-foot-wide pathway
19 from the parking or drop-off areas to the entrances to the voting place. Candidates for
20 any office that is on the ballot for the election that day may attend the voting place and
21 orally communicate with voters only if they do so outside the designated zone. Exit
22 polling, the collection of signatures for a candidate or a direct initiative of legislation or
23 referendum and the conduct of charitable or other nonelection-related activities may
24 occur only outside the designated zone. It also applies these restrictions to the municipal
25 clerk's office during the time when absentee voting may be occurring.
- 26 10. It adds a new method for returning a voted absentee ballot to the municipal clerk.
- 27 11. It changes the manner by which the municipal clerk must give notice of the
28 municipality's intent to process absentee ballots prior to election day.
- 29 12. It removes a provision regarding allowing another person to sign for the voter a
30 direct initiative of legislation or a people's veto referendum petition.
- 31 13. It removes an incorrect reference to a notary public or other person authorized by
32 law to administer oaths being able to certify petitions.
- 33 14. It decreases the public comment period regarding proposed ballot questions for
34 direct initiatives from 30 days to 21 days.
- 35 15. It removes an incorrect reference to a census block in Augusta that was included
36 in State Representative District 80 that already was correctly included in State
37 Representative District 85.

- 1 16. It repeals a redundant section of the Maine Revised Statutes, Title 30-A that
2 addresses the nomination petitions for county commissioners.
- 3 17. It clarifies that the municipal treasurer's statement that must accompany a
4 question for ratification of a municipal bond issue either may be printed on the ballot or
5 may be printed as a separate document that is made available to voters.
- 6 18. It corrects cross-references to repealed provisions of law.