

MAINE STATE LEGISLATURE

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Date: 6-8-21

REPORT C

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 804, L.D. 1126, "An Act To Update the Voter Registration Process"

Amend the bill in Part A in section 4 in subsection 1 in the last 2 lines (page 2, lines 10 and 11 in L.D.) by striking out the following: "available on the Secretary of State's publicly accessible website"

Amend the bill in Part A in section 6 in the first indented paragraph in the last 2 lines (page 2, lines 26 and 27 in L.D.) by striking out the following: "through the Secretary of State's publicly accessible website"

Amend the bill in Part A in section 7 in the first indented paragraph in the 3rd and 4th lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "through the Secretary of State's publicly accessible website"

Amend the bill in Part A in section 8 in subsection 1 in the 4th and 5th lines (page 2, lines 40 and 41 in L.D.) by striking out the following: "through the Secretary of State's publicly accessible website"

Amend the bill in Part A in section 9 in the first indented paragraph in the 2nd and 3rd lines (page 3, lines 4 and 5 in L.D.) by striking out the following: "on the Secretary of State's publicly accessible website"

Amend the bill in Part A by inserting after section 9 the following:

'Sec. A-10. 21-A MRSA §145, sub-§2, as amended by PL 2001, c. 310, §9, is further amended to read:

2. Reenrollment after withdrawal. A voter may not enroll in a different party but may enroll in the same party within 15 days after ~~filing a written request for withdrawal~~ withdrawing from a party under this section.

Amend the bill in Part A in section 10 in subsection 1 in the 4th line (page 3, line 13 in L.D.) by striking out the following: "through the Secretary of State's publicly accessible website"

1 Amend the bill in Part A in section 10 in subsection 1 in paragraph K in the 2nd and
2 3rd lines (page 3, lines 28 and 29 in L.D.) by striking out the following: "through the
3 Secretary of State's publicly accessible website"

4 Amend the bill in Part A by striking out all of sections 12 and 13 and inserting the
5 following:

6 'Sec. A-12. 21-A MRSA §152, sub-§6 is enacted to read:

7 **6. Design of online voter registration application; rulemaking.** The Secretary of
8 State shall design the online voter registration application that meets the requirements of
9 subsection 1 and that can be submitted online through the Secretary of State's publicly
10 accessible website. The online voter registration application must be designed to prevent
11 an applicant from registering to vote unless the applicant discloses a current, valid Maine
12 driver's license number or nondriver identification card number or the last 4 digits of the
13 applicant's social security number.

14 The Secretary of State shall adopt rules governing the online voter registration process,
15 which must, at a minimum, include the following:

16 A. A process for transmitting any driver's license number or nondriver identification
17 card number from an online voter registration application along with the applicant's
18 name and date of birth to the central voter registration system and for determining
19 whether the information entered in the central voter registration system matches the
20 information in the driver's license or nondriver identification card records maintained
21 by the Department of the Secretary of State, Bureau of Motor Vehicles and, if a match
22 is found, for transmitting an electronic image of the applicant's signature on that driver's
23 license or nondriver identification card from the bureau to the central voter registration
24 system;

25 B. A process for matching the last 4 digits of a social security number provided in an
26 online voter registration application and the applicant's name and date of birth with the
27 information available from the United States Social Security Administration;

28 C. A process for transmitting the contents of each online voter registration application
29 and the electronic image of the signature of that applicant to the appropriate registrar
30 of voters;

31 D. A requirement that the registrar of voters mail a signature card, in a form prescribed
32 by the Secretary of State, as expeditiously as possible to each new registration applicant
33 at the mailing address provided in the online voter registration application. Prior to the
34 date that the applicant returns the signature card to the registrar of voters, the registrar
35 shall use the applicant's signature on the applicant's driver's license or nondriver
36 identification card, or if the applicant does not have a driver's license or nondriver
37 identification card, the electronic image of the applicant's signature submitted with the
38 online voter registration application, for all purposes for which a signature on a written
39 application for voter registration is used under this Title. If the registrar receives a
40 returned signature card bearing the applicant's signature within 60 days after the
41 signature card is sent, the registrar shall use the applicant's signature on the signature
42 card for all purposes for which a signature on a written application for voter registration
43 is used under this Title. If the registrar does not receive a returned signature card

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bearing the applicant's signature within 60 days after the signature card is sent, the registrar shall cancel the applicant's registration in the central voter registration system;

E. Minimum procedures and security measures for ensuring the accuracy and security of online voter registration applications;

F. A process and form for a registered voter whose name is changed by marriage or other process of law or who has moved within a municipality to notify the appropriate registrar of voters pursuant to section 129 of the registered voter's new name or address through the online voter registration application; and

G. A process and form for a registered voter to enroll in a party pursuant to section 142, to change the voter's party enrollment pursuant to section 144 or to withdraw from a party pursuant to section 145 through the online voter registration application.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-13. Contingent effective date. This Part does not take effect unless the Secretary of State enters into a membership agreement with the Electronic Registration Information Center, Inc. on behalf of the State pursuant to the Maine Revised Statutes, Title 21-A, section 161, subsection 2-B and notifies the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of the membership agreement. In no event may this Part take effect before November 1, 2023.'

Amend the bill in Part B by striking out all of section 1 and inserting the following:

'Sec. B-1. 21-A MRSA §161, sub-§2-B is enacted to read:

2-B. Information sharing with other states. The Secretary of State shall contract with a nonprofit corporation of member states for periodic sharing of voter registration data, including information on voter names and addresses in member states. In conducting voter list maintenance under subsection 2-A, the Secretary of State shall periodically update the central voter registration system based on the information obtained from the nonprofit corporation of member states.'

Amend the bill by inserting after Part B the following:

PART C

Sec. C-1. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for contracted programming costs and related costs to implement online voter registration.

GENERAL FUND	2021-22	2022-23
All Other	\$49,000	\$300,979
GENERAL FUND TOTAL	\$49,000	\$300,979

ROFS

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

SUMMARY

This amendment, which is a minority report of the committee, requires the Secretary of State to adopt rules requiring the registrar of voters to mail a signature card to each new applicant for voter registration who submits an online voter registration application. If the applicant fails to return the signature card bearing the applicant's signature within 60 days, the registrar of voters must cancel the applicant's registration in the central voter registration system. The amendment also eliminates the requirement that the Secretary of State study the feasibility of implementing a system for 3rd-party organizations to collect and to submit electronic voter registration applications to the Secretary of State.

Finally, the amendment changes the date on which online voter registration must be accepted to a date on or after November 1, 2023, contingent upon the Secretary of State's entry into a membership agreement with the Electronic Registration Information Center, Inc. for periodic maintenance of the list of registered voters in the central voter registration system. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1126

LR 13(03)

An Act To Update the Voter Registration Process

Fiscal Note for Bill as Amended by Committee Amendment *B(H-462)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$49,000	\$300,979	\$123,450	\$123,450
Appropriations/Allocations				
General Fund	\$49,000	\$300,979	\$123,450	\$123,450

State Mandates

Required Activity

Requires the registrar of voters to mail signature cards for online voter registrations.

Unit Affected
Municipality

Local Cost
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

The bill includes a General Fund appropriation of \$49,000 (\$25,000 one-time and \$24,000 ongoing) in fiscal year 2021-22 and \$300,979 in fiscal year 2022-23 to the Department of Secretary of State for contracted programming costs and related costs to implement online voter registration.

The cost to municipalities to mail signature cards is estimated to be \$110,500 without return postage included. The Department of Secretary of State will require a General Fund appropriation of \$99,450 beginning in fiscal year 2023-24 to reimburse municipalities for 90% of the cost associated with mailing signature cards.