

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

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Legislative Document

No. 1126

H.P. 804

House of Representatives, March 22, 2021

An Act To Update the Voter Registration Process

Received by the Clerk of the House on March 18, 2021. 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 PIERCE of Falmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: CAIAZZO of Scarborough, Speaker FECTEAU of Biddeford, MARTIN of
Eagle Lake, MORIARTY of Cumberland, WOOD of Portland, Senators: HICKMAN of
Kennebec, LUCHINI of Hancock.

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

2 **PART A**

3 **Sec. A-1. 21-A MRSA §1, sub-§27-D** is enacted to read:

4 **27-D. Online voter registration application.** "Online voter registration application"
5 means the electronic voter registration application form created by the Secretary of State
6 pursuant to section 152 and available on the Secretary of State's publicly accessible website
7 and through which, in accordance with the rules adopted under section 152, subsection 6,
8 an individual may register to vote and enroll in a party or a registered voter may enroll in
9 a party, change the voter's party enrollment, withdraw from a party or notify the appropriate
10 registrar of voters of a change in the voter's name or address when the voter's name is
11 changed due to marriage or other process of law or when the voter has moved within a
12 municipality.

13 **Sec. A-2. 21-A MRSA §121, sub-§1-A**, as amended by PL 2011, c. 534, §4, is
14 further amended to read:

15 **1-A. Identification and proof.** Registration applications taken by outside agencies
16 must be transferred to the Secretary of State within 5 days of receipt. An applicant who
17 attempts to register within 30 days of an election must be advised that the registrar might
18 not receive the application before the deadline for online, mail or 3rd-person registration
19 set forth in section 121-A, but that the applicant may register in person no later than the
20 deadline for in-person registration set forth in section 121-A.

21 Registration applications received by the Secretary of State from outside agencies 30 days
22 or more before an election must be transferred to the appropriate registrar's office within 7
23 business days of receipt. Registration applications received by the Secretary of State from
24 outside agencies less than 30 days before an election must be transferred to the appropriate
25 registrar's office within 5 business days of receipt. Registration applications submitted
26 online must be received by the Secretary of State by midnight on the 21st day before
27 election day and must be transmitted to the appropriate registrar's office daily. Registration
28 applications by mail or by a 3rd person must be received in the registrar's office by the
29 close of business on the 21st day before election day in order for persons' names to appear
30 on the incoming voting list for that election. The 20-day period before the election is the
31 closed period for outside registrations. The registrar shall send the notice required by
32 section 122 no later than the 18th day before election day to all voters whose applications
33 were ~~received~~ submitted online, submitted by mail or submitted by a 3rd person as long as
34 the registrar received the application by the 21st day before election day ~~no later than the~~
35 ~~18th day before election day.~~

36 A person who registers in person shall show proof of identity and residency. If satisfactory
37 proof of identity and residency can not be provided to the registrar or deputy, the person's
38 name is entered into the central voter registration system and placed on the incoming voting
39 list and the person casts a challenged ballot. If the person shows satisfactory proof of
40 identity and residency prior to voting on election day, the person's ballot is not challenged.

41 **Sec. A-3. 21-A MRSA §121-A**, as enacted by PL 2011, c. 534, §5, is amended to
42 read:

43 **§121-A. Deadline for registration**

1 The deadline for receipt of voter registration applications submitted by mail or by a 3rd
2 person is the close of business on the 21st day before election day. The deadline for receipt
3 of voter registration applications submitted online is midnight on the 21st day before
4 election day. The deadline for in-person registration is the close of the polls on election
5 day.

6 **Sec. A-4. 21-A MRSA §129, sub-§1**, as corrected by RR 2019, c. 2, Pt. B, §37, is
7 amended to read:

8 **1. Notice.** The voter must give written notice to the registrar of the voter's new and
9 former names or addresses before the close of registrations prior to election day or provide
10 notice through the online voter registration application available on the Secretary of State's
11 publicly accessible website.

12 **Sec. A-5. 21-A MRSA §130**, as amended by PL 2011, c. 534, §9, is further amended
13 to read:

14 **§130. Applications for voter registration**

15 A person who completes a written or online voter registration application, as provided
16 in section 152, may submit the application online, mail the application or have the
17 application delivered to the registrar in the person's municipality of residence before the
18 deadline for online, mail or 3rd-person registrations in section 121-A, to be entered into the
19 central voter registration system and placed on the incoming voting list prior to the next
20 election; except that applications completed under section 122, subsection 5 may be
21 delivered during the closed period for immediate placement on the incoming voting list.

22 **Sec. A-6. 21-A MRSA §142, first ¶**, as amended by PL 1989, c. 313, §3, is further
23 amended to read:

24 A voter who had initially chosen not to enroll in a particular party may later enroll in a
25 party by filing an application with the registrar personally; or by mail or otherwise by
26 submitting an online voter registration application through the Secretary of State's publicly
27 accessible website, at any time, except that on election day a voter must enroll in person.

28 **Sec. A-7. 21-A MRSA §144, first ¶**, as amended by PL 2017, c. 248, §1, is further
29 amended to read:

30 A voter may change the voter's enrollment after 3 months from the date on which the
31 voter enrolled by filing an application with the registrar personally, by mail or ~~otherwise~~
32 by submitting an online voter registration application through the Secretary of State's
33 publicly accessible website. When a voter files an application to change enrollment on the
34 day of a primary election, the application is deemed received the following business day.

35 **Sec. A-8. 21-A MRSA §144, sub-§1**, as amended by PL 2017, c. 248, §2, is further
36 amended to read:

37 **1. Content of application.** The application must contain the following information:
38 Name of applicant, the date of birth, residence address, name of party in which enrollment
39 is requested, signature of the applicant and the date of application. If the voter submits an
40 online voter registration application through the Secretary of State's publicly accessible
41 website, the applicant must meet the requirements of section 152, subsection 1, paragraph
42 K to satisfy the signature requirement of this subsection.

1 **Sec. A-9. 21-A MRSA §145, first ¶**, as amended by PL 2017, c. 248, §3, is further
2 amended to read:

3 A voter may withdraw the voter's enrollment after 3 months from the date on which
4 the voter enrolled through an online voter registration application on the Secretary of State's
5 publicly accessible website or by filing a written request with the registrar. When a voter
6 files an application to withdraw enrollment on the day of a primary election, the application
7 is deemed received the following business day.

8 **Sec. A-10. 21-A MRSA §152, sub-§1**, as amended by PL 2019, c. 409, §3 and
9 affected by §9, is further amended to read:

10 **1. Application.** In addition to the procedures provided by section 122 and subchapter
11 9, a person may register to vote or enroll in a political party, or both, by completing ~~an~~ a
12 written application that is designed by the Secretary of State or by submitting an online
13 voter registration application through the Secretary of State's publicly accessible website.
14 The application must include, but is not limited to:

15 A. The legal name of the voter, in one of the following combinations:

16 (1) First name and last name;

17 (2) First initial, middle name and last name; or

18 (3) First name, middle name or middle initial and last name;

19 B. Residence address, including street, street number, apartment number, town and zip
20 code;

21 C. Mailing address;

22 D. Date of birth;

23 E. Most recent prior residence where registered to vote, including the municipality,
24 county and state, and the name under which previously registered, if changed;

25 H. Notification that failure to complete the entire application may prevent registration;

26 J. Date of application;

27 K. Signature of applicant collected in a way that ensures the quality and integrity of
28 the signature. If the applicant submits an online voter registration application through
29 the Secretary of State's publicly accessible website, the applicant satisfies the signature
30 requirement of this paragraph by submitting a current, valid Maine driver's license
31 number or nondriver identification card number or, if the applicant does not have a
32 current, valid Maine driver's license or nondriver identification card, by submitting an
33 electronic image of the applicant's signature;

34 L. Choice of political party if the applicant desires to enroll in a political party or an
35 indication that the applicant chose not to enroll in a party;

36 M. A place for the ~~person's~~ applicant's current, valid Maine driver's license number or
37 nondriver identification card number, if applicable; or, if the applicant has no Maine
38 driver's license number or nondriver identification card, the last 4 digits of the ~~person's~~
39 applicant's social security number, if applicable; or, if the application is submitted in
40 writing and the applicant has neither number, a place to put "none" or "not applicable";
41 and

1 N. A place for the applicant to respond to the questions concerning the voter's
2 qualifications as required by the federal Help America Vote Act of 2002, Public Law
3 107-252; and

4 O. A place for the applicant to attest to the truth of the information provided in the
5 application.

6 **Sec. A-11. 21-A MRSA §152, sub-§5**, as amended by PL 2003, c. 407, §9, is
7 further amended to read:

8 **5. Design of written application.** The Secretary of State shall design the written
9 application that meets the requirements of subsection 1. ~~The Secretary of State may design~~
10 ~~an application that can be completed electronically and that substantially meets the~~
11 ~~requirements of this section.~~

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

13 **6. Design of online voter registration application; rulemaking.** The Secretary of
14 State shall design the online voter registration application that meets the requirements of
15 subsection 1 and that can be submitted online through the Secretary of State's publicly
16 accessible website. The Secretary of State shall adopt rules governing the online voter
17 registration process, which must, at a minimum, include the following:

18 A. A requirement that an applicant may not register to vote using the online voter
19 registration application unless the applicant discloses a current, valid Maine driver's
20 license number or nondriver identification card number or discloses the last 4 digits of
21 the applicant's social security number;

22 B. A process for informing an applicant who discloses a current, valid Maine driver's
23 license number or nondriver identification card number that disclosure of that number
24 constitutes consent to the use of the applicant's signature on the driver's license or
25 nondriver identification card for all purposes for which a signature on a written
26 application for voter registration is used under this Title;

27 C. A process for an applicant who discloses the last 4 digits of the applicant's social
28 security number to include with the online voter registration application an electronic
29 image of the applicant's signature and for the applicant to consent to the use of that
30 electronic image of the applicant's signature for all purposes for which a signature on
31 a written application for voter registration is used under this Title;

32 D. A process for transmitting any driver's license number or nondriver identification
33 card number from an online voter registration application along with the applicant's
34 name and date of birth to the central voter registration system; for determining whether
35 the information entered in the central voter registration system matches the information
36 in the driver's license or nondriver identification card records maintained by the
37 Department of the Secretary of State, Bureau of Motor Vehicles and, if a match is
38 found, for transmitting an electronic image of the applicant's signature on that driver's
39 license or nondriver identification card from the bureau to the central voter registration
40 system;

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

1 F. A process for transmitting the contents of each online voter registration application
2 and the electronic image of the signature of that applicant to the appropriate registrar
3 of voters;

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

6 H. A process and form for a registered voter whose name is changed by marriage or
7 other process of law or who has moved within a municipality to notify the appropriate
8 registrar of voters pursuant to section 129 of the registered voter's new name or address
9 through the Secretary of State's publicly accessible website; and

10 I. A process and form for a registered voter to enroll in a party pursuant to section 142,
11 to change the voter's party enrollment pursuant to section 144 or to withdraw from a
12 party pursuant to section 145 through the Secretary of State's publicly accessible
13 website.

14 The Secretary of State may also adopt rules establishing standards and a process for the
15 approval of one or more 3rd-party organizations to submit to the Secretary of State
16 electronic voter registration applications that meet all of the requirements of this section,
17 except the requirement that an applicant submit an online voter registration application
18 through the Secretary of State's publicly accessible website.

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

21 **Sec. A-13. Effective date.** This Part takes effect January 1, 2023.

22 **PART B**

23 **Sec. B-1. Report.** By June 30, 2022, the Secretary of State shall submit a report,
24 which may include recommended legislation, to the Joint Standing Committee on Veterans
25 and Legal Affairs on the feasibility of and progress made toward implementing a system
26 for 3rd-party organizations to collect and to submit to the Secretary of State electronic voter
27 registration applications. The Joint Standing Committee on Veterans and Legal Affairs
28 may report out legislation to the Second Regular Session of the 130th Legislature based on
29 the report.

30 **SUMMARY**

31 This bill requires the Department of the Secretary of State to create a process for
32 accepting online voter registration applications through the Secretary of State's publicly
33 accessible website beginning January 1, 2023. The deadline for receipt of voter registration
34 applications submitted online is midnight on the 21st day before election day.

35 Under the bill, an individual submitting an online voter registration application must
36 submit a current, valid Maine driver's license or nondriver identification card number or
37 the last 4 digits of the applicant's social security number. The Secretary of State must
38 establish a process for verifying the identity of each online voter registration applicant
39 using the applicant's name, date of birth and the applicant's driver's license number or
40 nondriver identification number or the last 4 digits of the applicant's social security number.
41 In addition, an applicant who submits a driver's license or nondriver identification card
42 number with the applicant's online voter registration must consent to use of an electronic

1 image of the signature on the applicant's driver's license or nondriver identification card as
2 the applicant's voter registration signature. An applicant who submits the last 4 digits of
3 the applicant's social security number instead of a driver's license or nondriver
4 identification card number must include an electronic image of the applicant's signature
5 with the applicant's online voter registration application.

6 The bill further directs the Secretary of State to create a process for a previously
7 registered voter whose name is changed by marriage or other process of law or who has
8 moved within a municipality to notify the appropriate registrar of voters of the voter's new
9 name or address through the online voter registration application on the Secretary of State's
10 publicly accessible website beginning January 1, 2023 as well as processes for a registered
11 but unenrolled voter to enroll in a party and for a registered and enrolled voter to change
12 the voter's party enrollment or to withdraw from a party through the online voter
13 registration application beginning January 1, 2023.

14 Finally, the bill directs the Secretary of State to submit a report by June 30, 2022 to the
15 Joint Standing Committee on Veterans and Legal Affairs on the feasibility of and progress
16 made toward implementing a system for 3rd-party organizations to collect and to submit
17 electronic voter registration applications to the Secretary of State.