MAINE STATE LEGISLATURE

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Date: 3/25/22

(Filing No. H-840)

3	VETERANS AND LEGAL AFFAIRS	
4	Reproduced and distributed under the direction of the Clerk of the House.	
5	STATE OF MAINE	
6	HOUSE OF REPRESENTATIVES	
7	130TH LEGISLATURE	
8	SECOND REGULAR SESSION	
9 10	COMMITTEE AMENDMENT "A" to H.P. 1354, L.D. 1821, "An Act To Make Interfering with an Election Official a Class C Crime"	
11	Amend the bill by striking out the title and substituting the following:	
12	'An Act To Protect Public Election Officials'	
13 14	Amend the bill by striking out everything after the enacting clause and inserting the following:	
15 16	'Sec. 1. 17-A MRSA §751, sub-§2, as amended by PL 1997, c. 351, §2, is further amended to read:	
17 ·	2. This section does not apply to:	
18	A. Refusal by a person to submit to an arrest or detention; or	
19	B. Escape by a person from official custody, as defined in section 755-; or	
20 21	C. Intentional interference by a person under Title 21-A, section 674, subsection 2, paragraph E.	
22 23	Sec. 2. 21-A MRSA §1, sub-§34, as enacted by PL 1985, c. 161, §6, is amended to read:	
24 25	34. Public official. "Public official" means a person elected or appointed to serve the people, including but not limited to an election official, municipal clerk or registrar.	
26 27	Sec. 3. 21-A MRSA §101, sub-§9, as enacted by PL 2001, c. 415, §1 and affected by §5, is amended to read:	
28 29 30 31	9. Training. The registrar must shall attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the	
32 .	conduct of federal state or municipal elections to the Secretary of State	

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- Sec. 4. 21-A MRSA §505, sub-§7-A, as enacted by PL 2001, c. 415, §4 and affected by §5, is amended to read:
- 7-A. Training. Attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State. The Secretary of State shall offer training sessions regionally at least once every 2 years at no fee. The Secretary of State shall encourage municipalities to provide training biennially to all election officials; and
- Sec. 5. 21-A MRSA §674, sub-§2, ¶A, as amended by PL 2003, c. 447, §16, is further amended to read:
 - A. Assists another person in voting, knowing that the other person is not eligible to vote-; or
 - Sec. 6. 21-A MRSA §674, sub-§2, ¶E is enacted to read:
 - E. Intentionally interferes by force, violence or intimidation or by any physical act with any public official who is in fact performing or who the person believes is performing an official function relating to a federal, state or municipal election.
 - Sec. 7. 21-A MRSA §675 is enacted to read:

§675. Reports of threats or harassment

- 1. Reporting of threats or harassment. The Secretary of State shall accept and maintain a record of reports of threats to or harassment of public officials related to the conduct of federal, state or municipal elections in the State. The Secretary of State shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, regarding the process for submitting reports pursuant to this subsection.
- 2. Annual report. Beginning February 1, 2023, and annually thereafter, the Secretary of State shall report the number and type of reports of threats to or harassment of public officials received by the Secretary of State during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over election matters.'

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

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SUMMARY

This amendment makes the new crime of intentionally interfering by force, violence or intimidation with a public official who is in fact performing or who the person believes is performing an official function relating to a federal, state or municipal election a Class D crime, rather than a Class C crime as proposed in the bill. It also clarifies that the public officials the new law is designed to protect include election officials, municipal clerks and registrars of voters.

The amendment also directs the Secretary of State to develop, by rule, a process for reporting election-related threats to or harassment of public officials and to annually report the number and type of the reports received by the Secretary of State during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over

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COMMITTEE AMENDMENT " A" to H.P. 1354, L.D. 1821

election matters. Finally, the amendment requires the Secretary of State to incorporate deescalation training and information on how to report election-related threats to and
harassment of public officials to the Secretary of State in the training provided to municipal
clerks and registrars of voters.

FISCAL NOTE REQUIRED

(See attached)

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130th MAINE LEGISLATURE

LD 1821

LR 2346(02)

An Act To Make Interfering with an Election Official a Class C Crime

Fiscal Note for Bill as Amended by Committee Amendment "A" (H - 840)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional fines may increase General Fund or other dedicated revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with maintaining a record of threats and annually reporting the numbers and types can be absorbed within existing budgeted resources.