

MAINE STATE LEGISLATURE

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L D 1980

Date 6/20/23

(Filing No S-365)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 809, L D 1980, "An Act to Improve Election Laws and Notarial Laws"

Amend the bill by inserting after the title and before the enacting clause the following

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

Whereas, the effective date of the provisions regarding a marriage officiant license and communication technology used to perform remote or electronic notarization, for which the fees in this legislation are related, is July 1, 2023, and

Whereas, the fees should be in place when those provisions become effective, and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,'

Amend the bill in Part A in section 8 in §367 in the first indented paragraph in the 3rd line (page 3, line 29 in L D) by striking out the following "deadline" and inserting the following 'appropriate deadline provided in article 2'

Amend the bill in Part A by inserting after section 10 the following

'Sec. A-11. 21-A MRSA §692, sub-§2, as amended by PL 2009, c 253, §30, is further amended to read

2. Write-in vote. If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided ~~at the end of the list of nominees for the office in question~~ next to the write-in indicator The voter must then mark the ~~ballot~~ write-in indicator as instructed ~~in the directions~~ on the ballot to indicate a vote for the write-in candidate A sticker may not be used to vote for a write-in candidate

Sec. A-12. 21-A MRSA §696, sub-§2, ¶C, as amended by PL 2009, c 253, §32, is further amended to read

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1 C If a voter marks a write-in indicator for an office, but does not write the name of a
2 declared write-in candidate in the blank space provided to the right of next to the write-
3 in indicator, that vote for that office may not be counted, unless a determination of
4 choice under subsection 4 is possible '

5 Amend the bill in Part A in section 18 in the first indented paragraph in the 5th, 6th
6 and 7th lines (page 5, lines 12 to 14 in L D) by striking out the following "If no sworn law
7 enforcement officers are available to conduct the retrieval, the Secretary of State may use
8 a contracted courier to provide these services "

9 Amend the bill in Part A by striking out all of section 19 and inserting the following
10 'Sec. A-19. 21-A MRSA §737-A, 2nd ¶, as amended by PL 2019, c 371, §29, is
11 further amended to read

12 The Secretary of State shall store and maintain exclusive control over the ballots and
13 other materials pending and during the recount and until the ~~courier~~, sworn law
14 enforcement officers or the State Police ~~if requested, retrieves~~ retrieve the materials for
15 return to the municipalities '

16 Amend the bill in Part A by striking out all of section 20 and inserting the following
17 'Sec. A-20. 21-A MRSA §737-A, sub-§1, as amended by PL 2019, c 371, §30, is
18 further amended to read

19 **1. Deposit for legislative or single county office recount.** This subsection applies to
20 a recount for an election for the office of State Senator or State Representative or for a
21 county office that does not encompass more than one county All deposits required by this
22 section must be made with the Secretary of State when a recount is requested by a losing
23 candidate or an undeclared write-in candidate Once the ~~courier~~, sworn law enforcement
24 officers or the State Police ~~if requested, has~~ have taken custody of the ballots and other
25 election materials from the municipalities, the deposit made by the candidate requesting
26 the recount is forfeited to the State if the resulting count fails to change the outcome of the
27 election If the recount reverses the election, the deposit must be returned to the candidate
28 requesting the recount The amount of the deposit is calculated as follows

29 A If the percentage difference shown by the official tabulation between the leading
30 candidate and the requesting candidate is 1 5% or less of the total votes cast for that
31 office, a deposit is not required

32 B If the percentage difference shown by the official tabulation between the leading
33 candidate and the requesting candidate is more than 1 5% and less than or equal to 4%
34 of the total votes cast for that office, the deposit is \$500

35 C If the percentage difference shown by the official tabulation between the leading
36 candidate and the requesting candidate is more than 4% and less than or equal to 6%
37 of the total votes cast for that office, the deposit is \$1,000

38 D If the percentage difference shown by the official tabulation between the leading
39 candidate and the requesting candidate is more than 6% and less than or equal to 8%
40 of the total votes cast for that office, the deposit is \$2,500

41 E If the percentage difference shown by the official tabulation between the leading
42 candidate and the requesting candidate is more than 8% and less than or equal to 10%
43 of the total votes cast for that office, the deposit is \$5,000



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F If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 10% of the total votes cast for that office, the deposit is \$10,000 '

Amend the bill in Part A by striking out all of section 21 and inserting the following

'Sec. A-21. 21-A MRSA §737-A, sub-§1-A, ¶B, as amended by PL 2019, c 371, §31, is further amended to read

B If the difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1% of the total votes cast for that office or more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater After completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the actual cost of the procedure, which must be paid by the requesting candidate If the deposit is greater than the actual cost, the overpayment must be refunded to the candidate If the actual cost is greater than the deposit, the candidate shall pay the remainder of the actual cost to the State Once the ~~courier~~, sworn law enforcement officers or the State Police ~~is requested, has~~ have taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the candidate requesting the recount is forfeited to the State even if the candidate withdraws from the recount before the recount begins If a recount reverses the election, the deposit must be returned to the candidate requesting the recount '

Amend the bill in Part A by inserting after section 26 the following

'Sec. A-27. 21-A MRSA §759, sub-§8, as amended by PL 2009, c 538, §11, is further amended by enacting at the end a new last blocked paragraph to read

The Secretary of State may adopt rules necessary for the inspection of absentee ballot applications and envelopes before they are processed Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A '

Amend the bill in Part A in section 29 in subsection 3 in the last line (page 9, line 39 in L D) by inserting after the following "elapsed " the following 'The Secretary of State may adopt rules necessary for the inspection of absentee ballot applications and envelopes before they are processed Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A '

Amend the bill in Part A by striking out all of section 30

Amend the bill in Part A by inserting after section 33 the following

'Sec. A-34. 21-A MRSA §905-A, as amended by PL 2021, c 570, §11, is further amended to read

§905-A. Public comment on initiative questions

No later than 15 business days after the Secretary of State issues a written decision under section 905, subsection 1 finding a petition for a direct initiative to be valid, the Secretary of State shall give public notice of a proposed ballot question for that initiative by posting the question on the Secretary of State's publicly accessible website The Secretary of State may also publish notice for one day in newspapers having general circulation in the State After giving public notice of the proposed ballot question in

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accordance with this section, the Secretary of State shall provide a 30-day public comment period for the purpose of receiving comments on the content and form of the proposed question No later than ~~10~~ 15 business days after receiving public comments in accordance with this section and after review of those comments, the Secretary of State shall write the ballot question for the initiative An aggrieved voter may appeal the final decision of the Secretary of State under this section using the procedures for court review provided for in section 905, subsections 2 and 3 '

Amend the bill in Part A in section 36 in the 4th line (page 10, line 42 in L D) by striking out the following "subsection 5" and inserting the following 'subsection 5-B'

Amend the bill in Part B by inserting after section 1 the following

'Sec. B-2. 5 MRSA §86, 7th ¶, as corrected by RR 2001, c 2, Pt B, §2 and affected by §58, is amended to read

For filing, copying, comparing or authenticating any document required or permitted to be filed under Title 13-B, that fee specified in Title 13-B, chapter 14, and

Sec. B-3. 5 MRSA §86, 8th ¶, as amended by PL 2003, c 518, §1, is further amended to read

For filing a federal tax lien or other federal liens, certificates or notices affecting the liens of which under any Act of Congress or any federal regulation are required or permitted to be filed under Title 33, chapter 39, that fee specified in Title 33, section 1906-

Sec. B-4. 5 MRSA §86, 9th ¶, as enacted by PL 2003, c 149, §1, is amended to read

For filing and recording a designated office for service of trustee process under Title 14, section 2608-A, \$25-

Sec. B-5. 5 MRSA §86, as amended by PL 2003, c 518, §1, is further amended by enacting after the 9th paragraph a new paragraph to read

For filing a new or renewal application for a marriage officiant license under section 90-G, \$25, and

Sec B-6. 5 MRSA §86, as amended by PL 2003, c 518, §1, is further amended by enacting at the end a new paragraph to read

For filing a new or renewal application for approval to be a provider of communication technology used to perform remote or electronic notarization under Title 4, section 1915, \$250

Sec. B-7. Effective date. This Part takes effect July 1, 2023 '

Amend the bill by adding before the summary the following

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated '

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

COMMITTEE AMENDMENT

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SUMMARY

1
2 This amendment, which is the unanimous report of the committee, adds an emergency
3 preamble and clause to the bill and makes the following other changes

4 1 It removes the provision allowing the Secretary of State to use a contracted courier
5 for the secure retrieval of ballots prior to a recount

6 2 It allows the Secretary of State to adopt major substantive rules related to the
7 inspection of absentee ballot applications and envelopes before they are processed

8 3 It removes the provision allowing the Secretary of State to adopt rules related to the
9 conduct of regular absentee voting

10 4 It changes the period of time after receiving public comments on the content and
11 form of a proposed ballot question for a direct initiative that the Secretary of State must
12 write the ballot question for the initiative from 10 days, as provided in current law, to 15
13 business days

14 5 It provides for a fee of \$25 for filing a new or renewal application for a marriage
15 officiant license

16 6 It provides for a fee of \$250 for filing a new or renewal application for approval to
17 be a provider of communication technology used to perform remote or electronic
18 notarization

19 7 It makes other necessary technical changes

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1980

LR 452(02)

An Act to Improve Election Laws and Notarial Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-365)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

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