

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1980

S.P. 809

In Senate, May 22, 2023

An Act to Improve Election Laws and Notarial Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

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

2 **PART A**

3 **Sec. A-1. 21-A MRSA §122-A**, as amended by PL 2019, c. 409, §1 and affected
4 by §9, is further amended to read:

5 **§122-A. Alternative registration procedure for participants in Address**
6 **Confidentiality Program**

7 Notwithstanding sections 122 and 152 and subchapter 9, a person who is certified by
8 the Secretary of State as a program participant in the Address Confidentiality Program
9 pursuant to Title 5, section 90-B may register to vote using the designated address and voter
10 code assigned to that person pursuant to rules adopted to implement the program. To
11 register to vote, a voter must ~~present the registrar with that voter's authorization card~~
12 ~~assigned to the voter pursuant to rules adopted by the Secretary of State showing that voter's~~
13 ~~name, voter code, designated address and certification expiration date~~ submit a completed
14 registration application to the elections division of the Secretary of State's office, using the
15 assigned voter code instead of the voter's name and the designated program address instead
16 of the voter's actual residence street address, and provide the certification expiration date.
17 ~~The registrar may contact the~~ Address Confidentiality Program administrator in the
18 Secretary of State's office ~~to~~ shall determine the voter's eligibility to register in the
19 municipality listed on the Address Confidentiality Program application and ~~to~~ shall verify
20 the electoral ~~district~~ districts in which the voter is ~~voting for purposes of issuing an absentee~~
21 ~~ballot eligible to vote so that the elections division may register the voter and issue absentee~~
22 ~~ballots for state elections~~ to the voter pursuant to section 753-C. All registration records
23 for such voters must be designated as confidential and kept sealed in the ~~registrar's office~~
24 elections division offices. The name of any voter certified as a program participant in the
25 Address Confidentiality Program may not be placed on any voter list that is available for
26 public inspection or copying.

27 **Sec. A-2. 21-A MRSA §152, sub-§6**, as enacted by PL 2021, c. 439, §13 and
28 affected by §15, is amended to read:

29 **6. Design of online voter registration application; rulemaking.** ~~The~~ No later than
30 February 1, 2024, the Secretary of State shall design the online voter registration
31 application that meets the requirements of subsection 1 and that can be submitted online
32 through the Secretary of State's publicly accessible website. The online registration
33 application must be designed to prevent an applicant from registering to vote unless the
34 applicant discloses a current, valid Maine driver's license number or nondriver
35 identification number or the last 4 digits of the applicant's social security number.

36 ~~The~~ No later than February 1, 2024, the Secretary of State shall adopt rules governing the
37 online voter registration process, which must, at a minimum, include the following:

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

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

6 C. A process for transmitting any driver's license number or nondriver identification
7 card number from an online voter registration application along with the applicant's
8 name and date of birth to the central voter registration system and for determining
9 whether the information entered in the central voter registration system matches the
10 information in the driver's license or nondriver identification card records maintained
11 by the Department of the Secretary of State, Bureau of Motor Vehicles and, if a match
12 is found, for transmitting an electronic image of the applicant's signature on that driver's
13 license or nondriver identification card from the bureau to the central voter registration
14 system;

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

18 E. A process for transmitting the contents of each online voter registration application
19 and the electronic image of the signature of that applicant to the appropriate registrar
20 of voters;

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

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

27 H. A process and form for a registered voter to enroll in a party pursuant to section
28 142, to change the voter's party enrollment pursuant to section 144 or to withdraw from
29 a party pursuant to section 145 through the online voter registration application.

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

32 **Sec. A-3. 21-A MRSA §158**, as amended by PL 2009, c. 253, §14, is repealed.

33 **Sec. A-4. 21-A MRSA §311, sub-§1**, as amended by PL 2017, c. 248, §4, is further
34 amended to read:

35 **1. Call and location of caucus.** The caucus may be called by the chair or a majority
36 of the members of the municipal committee of a political party. If the municipal committee
37 fails to call a caucus, the county committee may call the caucus. At the request of ~~that~~ the
38 municipal committee, municipal officers shall provide available space in a public building
39 for a caucus. The municipality may charge a rental fee or janitorial service fee for the
40 available space. A municipal committee may hold its caucus remotely using a conference
41 system that may include telephonic or video technology allowing simultaneous reception
42 of information and may include other means. A ~~municipality~~ municipal committee may
43 hold its caucus outside the municipality if several municipalities elect to meet on a

1 consolidated basis or if the committee calling the caucus determines that a facility outside
2 the municipality is more suitable.

3 **Sec. A-5. 21-A MRSA §336, first ¶**, as corrected by RR 2019, c. 2, Pt. B, §43, is
4 amended to read:

5 The written consent of each candidate must be filed either with that candidate's primary
6 petition or at any earlier time during which signatures may be collected under section 335
7 or, if applicable, subchapter 8.

8 **Sec. A-6. 21-A MRSA §355, first ¶**, as corrected by RR 2019, c. 2, Pt. B, §47, is
9 amended to read:

10 The written consent of each candidate must be filed either with that candidate's
11 nomination petition or at any earlier time during which signatures may be collected under
12 section 354 or, if applicable, subchapter 8.

13 **Sec. A-7. 21-A MRSA §363, sub-§2**, as corrected by RR 2019, c. 2, Pt. B, §49, is
14 amended to read:

15 **2. Duties of committee.** The committee shall choose a qualified person to fill the
16 vacancy. The secretary of the committee shall immediately deliver a certificate to the
17 Secretary of State containing the name of the person chosen, that person's residence and
18 political party, the title of the office sought and the method by which that person was
19 chosen. The certificate must be signed by the chair of the committee and attested to by the
20 secretary and may be submitted by facsimile or scanned image.

21 A. In an electoral division consisting of more than one municipality, the municipal
22 committee of each municipality shall meet jointly, elect a secretary and a chair for the
23 meeting and then fill the vacancy.

24 **Sec. A-8. 21-A MRSA §367**, as amended by PL 2019, c. 636, §5, is further amended
25 to read:

26 **§367. Candidate withdrawal**

27 A candidate who wishes to withdraw from an elective race shall notify the Secretary
28 of State in writing of the candidate's intent to withdraw. This notice must be signed by the
29 candidate and submitted to the Secretary of State by the deadline. The notice may be
30 submitted by facsimile or scanned image.

31 **Sec. A-9. 21-A MRSA §681, sub-§4**, as amended by PL 2015, c. 422, §1, is further
32 amended to read:

33 **4. Outside the guardrail enclosure.** If sufficient space exists, party workers and
34 others, in addition to the pollwatchers allowed pursuant to section 627, may remain in the
35 voting place outside the guardrail enclosure as long as they do not attempt to influence
36 voters or interfere with their free passage. If a person attempts to influence voters or
37 interfere with their free passage, the warden shall have the person removed from the voting
38 place. A person video recording or engaging in still photography in the voting place must
39 remain outside the guardrail and may not conduct video recording or still photography
40 closer than 15 feet from a voter being recorded or photographed, including when a voter is
41 where a person is collecting voters' signatures, except that a person may take a still
42 photograph that depicts only the person taking the photograph. A person who video records

1 ~~or photographs~~ a voter in violation of this subsection may be removed from the voting place
2 by the municipal clerk at the recommendation of the warden as provided in section 662,
3 subsection 2.

4 **Sec. A-10. 21-A MRSA §691, sub-§2**, as amended by PL 2009, c. 253, §29, is
5 further amended to read:

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

12 **Sec. A-11. 21-A MRSA §722-A**, as amended by PL 2015, c. 447, §26, is further
13 amended to read:

14 **§722-A. Determination of declared write-in candidate**

15 To be considered a declared write-in candidate, a person must file a declaration of
16 write-in candidacy with the Secretary of State, on a form approved by the Secretary of
17 State, on or before 5 p.m. on the ~~60th~~ 70th day prior to the election. The candidate must
18 meet all the other qualifications for that office.

19 **Sec. A-12. 21-A MRSA §723-A, sub-§1, ¶A**, as enacted by IB 2015, c. 3, §5, is
20 repealed.

21 **Sec. A-13. 21-A MRSA §723-A, sub-§1, ¶G**, as amended by PL 2019, c. 320,
22 §9, is repealed.

23 **Sec. A-14. 21-A MRSA §723-A, sub-§4, ¶B**, as amended by PL 2019, c. 320,
24 §14, is repealed.

25 **Sec. A-15. 21-A MRSA §723-A, sub-§5-B**, as amended by PL 2021, c. 273, §11,
26 is further amended to read:

27 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
28 provision of this section to the contrary, for presidential primary elections, ~~ballot~~
29 ~~elimination may not be used for any candidates with more than 100 votes~~, tabulation must
30 continue until only 2 continuing candidates remain, separate tabulations must be conducted
31 statewide and for each congressional district and selection and allocation of delegates to a
32 party's national presidential nominating convention must be in accordance with any
33 reasonable procedures established at the state party convention.

34 **Sec. A-16. 21-A MRSA §723-A, sub-§5-B**, as amended by PL 2021, c. 750, §11
35 and affected by §14, is further amended to read:

36 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
37 provision of this section to the contrary, for presidential primary elections, ~~ballot~~
38 ~~elimination may not be used for any candidates with more than 100 votes~~, tabulation must
39 continue until only 2 continuing candidates remain, separate tabulations must be conducted
40 statewide and for each congressional district and selection and allocation of delegates to a
41 party's national presidential nominating convention must be in accordance with any
42 reasonable procedures established at the state party convention, except that unenrolled

1 voters who participate in the party's primary election must be considered members of the
2 party for purposes of allocating delegates.

3 **Sec. A-17. 21-A MRSA §723-A, sub-§5-C** is enacted to read:

4 **5-C. Cast vote record posted.** The Secretary of State shall post the complete cast
5 vote record on its publicly accessible website as soon as the certified results are reported.

6 **Sec. A-18. 21-A MRSA §737-A, first ¶**, as amended by PL 2021, c. 536, §3, is
7 repealed and the following enacted in its place:

8 Once a recount is requested for any federal, state or county office, the Secretary of
9 State shall request that the State Police, sworn law enforcement officers employed by the
10 Department of the Secretary of State or other sworn law enforcement officers take physical
11 control of the ballots and other related materials needed for the recount as soon as possible
12 and deliver them to the recount facility. If no sworn law enforcement officers are available
13 to conduct the retrieval, the Secretary of State may use a contracted courier to provide these
14 services. When the recount involves an office that encompasses more than one county, the
15 Secretary of State may organize retrieval of ballots from certain jurisdictions so that the
16 recount may be conducted in stages until the requesting candidate or lead applicant for a
17 referendum recount concedes or until all the ballots are recounted.

18 **Sec. A-19. 21-A MRSA §737-A, 2nd ¶**, as amended by PL 2019, c. 371, §29, is
19 further amended to read:

20 The Secretary of State shall store and maintain exclusive control over the ballots and
21 other materials pending and during the recount and until the sworn law enforcement
22 officers or contracted courier, or the State Police if requested, retrieves the materials for
23 return to the municipalities.

24 **Sec. A-20. 21-A MRSA §737-A, sub-§1**, as amended by PL 2019, c. 371, §30, is
25 further amended to read:

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

36 A. If the percentage difference shown by the official tabulation between the leading
37 candidate and the requesting candidate is 1.5% or less of the total votes cast for that
38 office, a deposit is not required.

39 B. If the percentage difference shown by the official tabulation between the leading
40 candidate and the requesting candidate is more than 1.5% and less than or equal to 4%
41 of the total votes cast for that office, the deposit is \$500.

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

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

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

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

13 **Sec. A-21. 21-A MRSA §737-A, sub-§1-A, ¶B**, as amended by PL 2019, c. 371,
14 §31, is further amended to read:

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

30 **Sec. A-22. 21-A MRSA §753-A, sub-§8**, as enacted by PL 2021, c. 398, Pt.
31 UUUU, §3 and affected by §7, is amended to read:

32 **8. Application for ongoing absentee voter status.** ~~A No later than February 1, 2024,~~
33 ~~the Secretary of State shall design the ongoing absentee ballot application that allows a~~
34 ~~voter who will be at least 65 years of age by the next election or who self-identifies as~~
35 ~~having a disability may to~~ apply for status as an ongoing absentee voter. Each qualified
36 applicant must automatically receive an absentee ballot for each ensuing statewide election,
37 municipal election and any other election for which the voter is entitled to vote and need
38 not submit a separate request for each election.

39 A. An application for status as an ongoing absentee voter must be made by a voter
40 using procedures designed by the Secretary of State. These procedures must include a
41 process for notifying the voter that if the voter moves out of the municipality, that
42 voter's status as an ongoing absentee voter in that municipality terminates. A voter
43 may obtain assistance in completing an application for ongoing absentee voter status
44 pursuant to subsection 5.

- 1 B. The clerk or Secretary of State shall terminate a voter's ongoing absentee voter
2 status only upon:
- 3 (1) The written request of the voter;
 - 4 (2) The death or disqualification of the voter;
 - 5 (3) The cancellation of the voter's registration record in the central voter
6 registration system;
 - 7 (4) The return of an absentee ballot as undeliverable;
 - 8 (5) The failure of the voter to vote by absentee ballot for a general election; or
 - 9 (6) The designation of the voter's status as inactive in the central voter registration
10 system.

11 This subsection does not apply to uniformed service voters or overseas voters who are
12 covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 United
13 States Code, Section 20302 (2019).

14 **Sec. A-23. 21-A MRSA §753-B, sub-§6, ¶A**, as amended by PL 2021, c. 273,
15 §20, is further amended to read:

16 A. The list of absentee voters must include each voter's name, residence address,
17 voting district and party affiliation; the date and manner by which the voter's ballot was
18 requested, issued and received; and a notation of whether ~~the application and~~ the ballot
19 ~~were~~ was accepted or rejected. If the clerk determines that there is a defect on the
20 return envelope of an absentee ballot under section 756, subsection 2 and that defect is
21 cured pursuant to section 756-A, the clerk shall note whether the ballot was accepted
22 or accepted but challenged and shall list the date that the defect was cured as the date
23 that the ballot was received. The clerk must also indicate on the list when the absentee
24 voter is a uniformed service voter, overseas voter or township voter. By the time that
25 all absentee ballots have been processed on election day, the clerk must update the
26 central voter registration system or annotate the printed list of absentee voters to reflect
27 all ballots that were received by the close of the polls on election day, including a
28 notation of whether the ballots were accepted, accepted but challenged or rejected and
29 the reasons for such rejections. This list, reflecting all absentee ballots received by the
30 close of the polls, must be made available for public inspection. Any absentee voter
31 certified as a participant in the Address Confidentiality Program pursuant to Title 5,
32 section 90-B must be listed by the voter code assigned to that individual under the
33 program instead of by the voter's name and reflect the Address Confidentiality Program
34 address assigned to the voter. The list of absentee voters must be sorted so that the
35 program participants appear at the end of the list and must be printed on a separate page
36 of the list. The portion of the list of absentee voters relating to Address Confidentiality
37 Program participants must be kept under seal and excluded from public inspection.

38 **Sec. A-24. 21-A MRSA §753-B, sub-§6, ¶A**, as amended by PL 2021, c. 750,
39 §12 and affected by §14, is further amended to read:

40 A. The list of absentee voters must include each voter's name, residence address,
41 voting district and party affiliation; the date and manner by which the voter's ballot was
42 requested, issued and received; if the voter is unenrolled, which party's ballot the voter
43 requested for the primary election, if applicable; and a notation of whether ~~the~~

1 application and the ballot were was accepted or rejected. If the clerk determines that
2 there is a defect on the return envelope of an absentee ballot under section 756,
3 subsection 2 and that defect is cured pursuant to section 756-A, the clerk shall note
4 whether the ballot was accepted or accepted but challenged and shall list the date that
5 the defect was cured as the date that the ballot was received. The clerk must also
6 indicate on the list when the absentee voter is a uniformed service voter, overseas voter
7 or township voter. By the time that all absentee ballots have been processed on election
8 day, the clerk must update the central voter registration system or annotate the printed
9 list of absentee voters to reflect all ballots that were received by the close of the polls
10 on election day, including a notation of whether the ballots were accepted, accepted
11 but challenged or rejected and the reasons for such rejections. This list, reflecting all
12 absentee ballots received by the close of the polls, must be made available for public
13 inspection. Any absentee voter certified as a participant in the Address Confidentiality
14 Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to
15 that individual under the program instead of by the voter's name and reflect the Address
16 Confidentiality Program address assigned to the voter. The list of absentee voters must
17 be sorted so that the program participants appear at the end of the list and must be
18 printed on a separate page of the list. The portion of the list of absentee voters relating
19 to Address Confidentiality Program participants must be kept under seal and excluded
20 from public inspection.

21 **Sec. A-25. 21-A MRSA §753-B, sub-§7**, as enacted by PL 1999, c. 645, §6, is
22 amended to read:

23 **7. Registration verified.** If the applicant is registered ~~and enrolled when necessary,~~
24 the ballot must be sent to the applicant. If the applicant has registered ~~and enrolled when~~
25 ~~necessary~~ under section 155 and will attain 18 years of age on or before the date of the
26 election, the registrar or clerk shall ~~so certify on the application. If accept the application~~
27 in the central voter registration system and issue a ballot to the applicant; if not, the registrar
28 or clerk shall write "not registered" or "not enrolled" ~~on the face of~~ reject the application
29 ~~and sign the registrar's or clerk's name in the central voter registration system.~~ Whenever
30 an application for an absentee ballot is ~~denied~~ rejected, the municipal clerk shall
31 immediately notify the applicant in writing or by e-mail of the reason for the ~~denial~~
32 rejection.

33 **Sec. A-26. 21-A MRSA §753-C**, as enacted by PL 2005, c. 364, §8, is amended to
34 read:

35 **§753-C. Absentee ballots for program participants in Address Confidentiality**
36 **Program**

37 Any registered voter who is certified by the Secretary of State as a program participant
38 in the Address Confidentiality Program pursuant to Title 5, section 90-B is entitled to
39 receive an absentee ballot for every election during the period of the voter's participation
40 in the program. The Secretary of State shall mail the absentee ballot for the statewide
41 elections and the clerk shall mail the absentee ballot for the local elections to the voter at
42 the voter's designated address as soon as possible after the regular ballots are available ~~in~~
43 ~~the municipality.~~ The voter shall mark the absentee ballot in accordance with the
44 procedures set forth in section 754-A and shall return the statewide ballot to the Secretary
45 of State and the local ballot to the registrar in the manner provided in section 754-A, except

1 that the voter may sign the voter's voter code under the Address Confidentiality Program
2 on the absentee ballot ~~envelope~~ envelopes instead of the voter's name.

3 **Sec. A-27. 21-A MRSA §760-B, sub-§1**, as amended by PL 2015, c. 406, §1, is
4 further amended to read:

5 **1. Time for processing.** In a municipality that has opted to process absentee ballots
6 on one or more of the days prior to election day authorized by this section, the municipal
7 clerk or the clerk's designees may process absentee ballots at the times designated by the
8 clerk, between the hours of ~~9:00~~ 7:00 a.m. and 9:00 p.m., except that if an inspection is
9 requested pursuant to subsection 3, processing may not begin until after the inspection
10 period has concluded.

11 **Sec. A-28. 21-A MRSA §760-B, sub-§2**, as amended by PL 2021, c. 11, §2, is
12 further amended to read:

13 **2. Notice of early processing.** The clerk must give notice of the municipality's intent
14 to process absentee ballots prior to election day using a notice of early processing form
15 provided by the Secretary of State, stating the days and times that the clerk intends to begin
16 processing absentee ballots and the inspection period provided in subsection 3. At least 30
17 days before election day, the clerk shall provide a copy of the notice of early processing to
18 the Secretary of State and the chairs of each political party of the municipality indicating
19 that early processing of absentee ballots will occur. The notice to the political parties must
20 be considered sufficient as long as it is mailed to the last address of each municipal chair
21 that is known to the clerk. The notice to the Secretary of State may be delivered by mail
22 or facsimile or as a scanned attachment to an e-mail address established by the Secretary
23 of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 30th day
24 before election day, the municipality may not process absentee ballots prior to election day.
25 ~~The clerk shall post a copy of the notice of early processing with the notice of election as~~
26 provided in section 621-A Secretary of State shall post the list of municipalities that will
27 process absentee ballots prior to election day on its publicly accessible website at least one
28 week prior to the start of early processing.

29 **Sec. A-29. 21-A MRSA §760-B, sub-§3**, as amended by PL 2019, c. 371, §38, is
30 further amended to read:

31 **3. Inspection of absentee envelopes before processing.** A member of the public may
32 make a written request of the clerk to inspect absentee ballot applications and envelopes
33 before they are processed if the request is made by ~~9:00 a.m.~~ 4:00 p.m. on the day prior to
34 each day that the clerk will process absentee ballots as specified on the notice of early
35 processing under subsection 2. The clerk shall make the absentee ballot applications and
36 envelopes received by that time available for public inspection for one hour before the
37 starting time specified in the notice of early processing for processing the absentee ballots.
38 The clerk may immediately proceed to process the ballots after the one-hour inspection
39 time has elapsed.

40 **Sec. A-30. 21-A MRSA §766** is enacted to read:

41 **§766. Rules**

42 The Secretary of State may adopt rules necessary for the implementation of this article.
43 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
44 chapter 375, subchapter 2-A.

1 **Sec. A-31. 21-A MRSA §777-A**, as amended by PL 2019, c. 636, §17, is further
2 amended to read:

3 **§777-A. Registration and enrollment**

4 Notwithstanding the registration deadline in section 121-A, uniformed service voters
5 or overseas voters may register or enroll at any time prior to ~~5 p.m.~~ noon on the day before
6 election day by completing a federal or state voter registration application form and filing
7 it with the registrar or the Secretary of State in person, by mail or by electronic means
8 authorized by the Secretary of State.

9 **Sec. A-32. 21-A MRSA §781-A**, as amended by PL 2019, c. 636, §18, is further
10 amended to read:

11 **§781-A. Absentee ballot application; procedure on receipt**

12 Notwithstanding the absentee ballot application deadline in section 753-B, subsection
13 2, paragraph D, upon receipt of an application or written request for an absentee ballot prior
14 to ~~5 p.m.~~ noon on the day before election day from a uniformed service voter or overseas
15 voter that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary
16 of State shall immediately issue an absentee ballot and return envelope by the authorized
17 means designated by the voter in the application. If the ballot is to be transmitted to the
18 voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the
19 residence address of the voter in the designated section of the return envelope. The
20 Secretary of State shall provide a return envelope that moves free of postage under federal
21 law.

22 **Sec. A-33. 21-A MRSA §903-A, first ¶**, as amended by PL 2015, c. 99, §1, is
23 further amended to read:

24 ~~Petitions issued under this chapter may be circulated by any Maine resident who is a~~
25 ~~registered voter acting as a circulator of a petition.~~ A circulator of a petition solicits
26 signatures for the petition by presenting the petition to the voter, asking the voter to sign
27 the petition and personally witnessing the voter affixing the voter's signature to the petition.
28 The circulator of the petition must comply with the provisions of section 902.

29 **Sec. A-34. PL 2021, c. 398, Pt. UUUU, §7** is amended to read:

30 **Sec. UUUU-7. Effective date.** That section of this Part that enacts the Maine
31 Revised Statutes, Title 21-A, section 161, subsection 2-B takes effect January 1, 2023.
32 Those sections of this Part that enact Title 21-A, section 753-A, subsections 8 and 9 and
33 those sections of this Part that amend Title 21-A, section 752, subsection 3 and section
34 753-B, subsection 1 take effect ~~November~~ October 1, 2023.

35 **Sec. A-35. PL 2021, c. 439, §15** is amended to read:

36 **Sec. 15. Effective date.** This Act takes effect November 1, 2023, except that that
37 section of this Act that enacts the Maine Revised Statutes, Title 21-A, section 152,
38 subsection 6 takes effect October 1, 2023.

39 **Sec. A-36. Effective date.** That section of this Part that amends the Maine Revised
40 Statutes, Title 21-A, section 152, subsection 6 and that section of this Part that amends Title
41 21-A, section 753-A, subsection 8 take effect October 1, 2023, and that section of this Part
42 that amends Title 21-A, section 723-A, subsection 5 as amended by Public Law 2021,

1 chapter 750, section 11 and that section of this Part that amends Title 21-A, section 753-B,
2 subsection 6, paragraph A as amended by Public Law 2021, chapter 750, section 12 take
3 effect January 1, 2024.

4 PART B

5 **Sec. B-1. 4 MRSA §1916, sub-§2**, as enacted by PL 2021, c. 651, Pt. A, §4 and
6 affected by §8, is amended to read:

7 **2. Stamp required requirements.** If a notarial act regarding a tangible record is
8 performed by a ~~notary public~~ notarial officer, an official stamp ~~must~~ may be affixed to or
9 embossed on the certificate. ~~If a notarial act is performed regarding a tangible record by a~~
10 ~~notarial officer other than a notary public and the certificate contains the information~~
11 ~~specified in subsection 1, paragraphs B, C and D, an official stamp may be affixed to or~~
12 ~~embossed on the certificate.~~ If a notarial act regarding an electronic record is performed
13 by a ~~notarial officer~~ notary public and the certificate contains the information specified in
14 subsection 1, paragraphs B, C and D, an official stamp ~~may~~ must be attached to or logically
15 associated with the certificate.

16 PART C

17 **Sec. C-1. 30-A MRSA §7005**, as amended by PL 1989, c. 6; c. 9, §2; and c. 104,
18 Pt. C, §§8 and 10, is repealed.

19 SUMMARY

20 This bill makes the following changes to the laws governing elections and notarial acts.

21 Part A does the following:

22 1. It provides that the elections division of the Secretary of State's office is responsible
23 for processing voter registration applications for voters enrolled in the Address
24 Confidentiality Program and for creating the voter records in the central voter registration
25 system. It also provides that the elections division is responsible for mailing the absentee
26 ballots for statewide elections to the voters in the Address Confidentiality Program, while
27 the municipal clerk must mail the absentee ballots for local elections to these voters.

28 2. It changes the effective date and implementation date of the laws governing online
29 voter registration.

30 3. It removes the requirement for municipal clerks to attend the biennial party caucuses
31 in the even-numbered years.

32 4. It allows political parties to hold virtual biennial municipal caucuses rather than in-
33 person caucuses.

34 5. It provides that primary candidates may file their candidate consent either with their
35 primary petitions or prior to filing their primary petitions with the Secretary of State.

36 6. It provides that nonparty candidates may file their candidate consent either with
37 their nomination petitions or prior to filing their nomination petitions with the Secretary of
38 State.

39 7. It allows for the candidate consent and certificate of nomination for a replacement
40 candidate to be submitted to the Secretary of State via scanned image or facsimile.

- 1 8. It allows for candidates to submit a withdrawal notice to the Secretary of State via
2 scanned image or facsimile.
- 3 9. It prohibits a person from taking a photograph of another person in the voting place
4 if the person taking the photograph is closer than 15 feet from the person being
5 photographed.
- 6 10. It clarifies how a voter must mark a ballot to cast a write-in vote.
- 7 11. It changes the deadline for a write-in candidate to file that candidate's written
8 declaration of write-in candidacy.
- 9 12. It removes batch elimination from the ranked-choice voting process and requires
10 the Secretary of State to post the complete cast vote record on its publicly accessible
11 website as soon as the certified results are reported.
- 12 13. It requires the Secretary of State to use sworn law enforcement officers for the
13 secure retrieval of ballots prior to a recount. If sworn law enforcement officers are not
14 available to conduct the retrieval, the Secretary of State may use a contracted courier to
15 provide these services. It clarifies that ballot retrieval may be conducted in stages for a
16 recount that involves multiple counties.
- 17 14. It changes the effective date and implementation date of the laws governing
18 ongoing absentee ballots.
- 19 15. It removes the requirement that the list of absentee voters created for each election
20 must contain a notation of whether the application was accepted or rejected.
- 21 16. It changes the reference from denial of an absentee ballot application to rejection
22 of an application and provides that the voter may be notified of the rejection in writing or
23 by e-mail.
- 24 17. It provides that a municipal clerk may begin processing absentee ballots starting
25 at 7 a.m. on any day that the clerk processes ballots prior to election day.
- 26 18. It requires the Secretary of State to post the list of municipalities that have opted
27 to process absentee ballots prior to election day on the Secretary of State's publicly
28 accessible website at least one week prior to the date on which early processing of absentee
29 ballots may begin.
- 30 19. It changes the deadline by which a member of the public must submit that member's
31 request to a municipal clerk to inspect absentee ballots and envelopes before they are
32 processed.
- 33 20. It allows the Secretary of State to adopt rules related to the conduct of regular
34 absentee voting.
- 35 21. It changes the deadline by which uniformed service voters or overseas voters may
36 register to vote.
- 37 22. It changes the deadline by which uniformed service voters or overseas voters may
38 request an absentee ballot.
- 39 23. It removes the requirement that a circulator for a citizen's initiative or people's veto
40 petition be a Maine resident and registered Maine voter.

1 Part B provides that if a notarial act regarding a tangible record is performed by a
2 notarial officer, an official stamp may be affixed to or embossed on the certificate and that
3 if a notarial act regarding an electronic record is performed by a notary public and the
4 certificate contains certain information, an official stamp must be attached to or logically
5 associated with the certificate.

6 Part C removes the provision of law requiring plantations to submit the names of the
7 elected assessors and clerks to the Secretary of State.