

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

|                      |          |          |
|----------------------|----------|----------|
| Capital Expenditures | 3,000    |          |
| TOTAL                | \$49,945 | \$59,150 |

Allocates funds for one additional Managing Insurance Examiner position and operating costs necessary to administer regulatory requirements for captive insurance companies.

See title page for effective date.

**CHAPTER 436**

**S.P. 574 - L.D. 1731**

**An Act to Amend the Election Laws**

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

**Sec. 1. 21-A MRSA §1, sub-§1**, as amended by PL 1995, c. 459, §1, is further amended to read:

**1. Absentee voter.** "Absentee voter" means a person who qualifies under section ~~751-A~~ 751 to cast an absentee ballot.

**Sec. 2. 21-A MRSA §1, sub-§14**, as enacted by PL 1985, c. 161, §6, is amended to read:

**14. Election official.** "Election official" means a warden, ward clerk, deputy warden or election clerk.

**Sec. 3. 21-A MRSA §1, sub-§20**, as amended by PL 1993, c. 447, §1, is further amended to read:

**20. Immediate family.** "Immediate family" means a person's spouse, parent, child, sister, brother, stepparent, stepchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian.

**Sec. 4. 21-A MRSA §1, sub-§38**, as enacted by PL 1985, c. 161, §6, is amended to read:

**38. Registrar.** "Registrar" means the registrar, or deputy registrar ~~or the board of registration~~ of voters of a municipality.

**Sec. 5. 21-A MRSA §1, sub-§40**, as enacted by PL 1985, c. 161, §6, is amended to read:

**40. Residence.** "Residence" means that place ~~in which a person's habitation is fixed and to which that person, whenever absent, has the intention to return~~

where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

**Sec. 6. 21-A MRSA §1, sub-§48**, as enacted by PL 1985, c. 161, §6, is amended to read:

**48. Voting district.** "Voting district" means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality ~~which that~~ has only one voting ~~place~~ district, it means the entire municipality. The first breakdown of a municipality is a ward. Further breakdowns of a municipality are precincts.

**Sec. 7. 21-A MRSA §1, sub-§52** is enacted to read:

**52. Write-in indicator.** "Write-in indicator" means the space provided, in accordance with a particular type of ballot, for marking a write-in vote.

**Sec. 8. 21-A MRSA §3, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Immaterial irregularities.** Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution of initials or nicknames for given names.

**Sec. 9. 21-A MRSA §4**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 10. 21-A MRSA §23, sub-§1**, as amended by PL 1995, c. 459, §2, is further amended to read:

**1. Registration and enrollment applications.** The registrar shall keep registration, enrollment and changes of enrollment applications and requests in the registrar's office permanently, except that those records must be kept only ~~40~~ 5 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and 162-A.

**Sec. 11. 21-A MRSA §23, sub-§14**, as enacted by PL 1985, c. 161, §6, is amended to read:

**14. Destruction of records.** After the records and other materials have been kept for the required period, they may be destroyed. Posted notices, ~~specimen~~ sample ballots and instruction posters may be destroyed as soon as the election to which they pertain is past.

**Sec. 12. 21-A MRSA c. 3, sub-c. I**, as amended, is further amended to read:

**SUBCHAPTER I**

**REGISTRAR OF VOTERS**

**Sec. 13. 21-A MRSA §101, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

The municipal officers of each municipality shall appoint in writing a qualified registrar of voters ~~within 10 days after the regular election of municipal officials~~ by January 1st of each odd-numbered year.

**Sec. 14. 21-A MRSA §101, sub-§1**, as amended by PL 1991, c. 466, §1, is further amended to read:

**1. Qualifications.** The registrar must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not hold or be a candidate for any state or county office, or ~~hold membership on any~~ be an officer of a municipal, county or state party committee.

**Sec. 15. 21-A MRSA §101, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Term of office.** ~~He~~ The registrar shall serve for ~~one year~~ 2 years and until ~~his~~ a successor is appointed and sworn. If the municipal clerk is appointed to serve as registrar, the term of the registrar is the same as the term of the clerk.

**Sec. 16. 21-A MRSA §101, sub-§3**, as amended by PL 1987, c. 737, Pt. C, §§62 and 106; as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Oath required.** Before assuming the duties of office, ~~he~~ the registrar must be sworn and the ~~fact of his~~ oath recorded as provided in Title 30-A, section 2526, subsection 9.

**Sec. 17. 21-A MRSA §101, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Secretary of State notified.** The ~~municipal officers~~ clerk shall notify the Secretary of State of the name of the registrar within 10 days after ~~he~~ the registrar is appointed and sworn.

**Sec. 18. 21-A MRSA §101, sub-§8**, as enacted by PL 1985, c. 161, §6, is amended to read:

**8. Vacancy.** When there is a vacancy in the office of registrar, the municipal officers shall appoint a qualified person to fill the vacancy for the remainder of the term of office. If the municipal officers fail to appoint a registrar to fill the vacancy within 15 days after the municipal officers receive notification of the vacancy, the municipal clerk shall appoint a qualified person to fill the vacancy for the remainder of the term of office.

**Sec. 19. 21-A MRSA §103, sub-§1**, as amended by PL 1995, c. 459, §6, is further amended to read:

**1. Population of 5,000 or over.** The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the ~~political~~ municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.

**Sec. 20. 21-A MRSA §112, sub-§1, ¶A**, as amended by PL 1993, c. 695, §2, is further amended to read:

A. The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section:

- (1) A direct statement of intention by the person pursuant to section 121, subsection 1;
- (2) The location of any dwelling currently occupied by the person;
- (6) The place where any motor vehicle owned by the person is registered;
- (8) The residence address, not a post office box, shown on a current income tax return;
- (9) The residence address, not a post office box, at which the person's mail is received;
- (10) The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;

(12) The residence address, not a post office box, shown on any motor vehicle operator's license held by the person;

(14) The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; or

(16) Any other objective facts tending to indicate a person's ~~intention regarding that person's~~ place of residence.

**Sec. 21. 21-A MRSA §112, sub-§14**, as amended by PL 1993, c. 473, §4 and affected by §46, is further amended to read:

**14. Persons incarcerated in correctional facilities.** The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, or in a county jail does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.

A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously established a fixed and principal home to which the person intends to return.

**Sec. 22. 21-A MRSA §121, sub-§1-A**, as repealed and replaced by PL 1993, c. 695, §5, is amended to read:

**1-A. Identification and proof.** Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 20 days of an election must be advised that the registrar might not receive the application before that election, but that the applicant may register in person before or on election day.

Registration applications received by the Secretary of State from outside agencies 21 days or more before an election must be transferred to the appropriate registrar's office within 10 days of receipt. Registration applications received by the Secretary of State from outside agencies 20 days or less before an election must be transferred to the appropriate registrar's office within 5 days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business ~~15~~ 10 business days before election day in order for persons to appear on the list of registered voters for that election. If the registrar's office is not open on that day, the registrar must accept applications by mail that are received on the next day the registrar's office is open.

A person who registers during the ~~15~~ 10 business days before election day or on election day shall register in person and show proof of identity and residency. If

satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is placed on the voting list and the person casts a challenged ballot.

**Sec. 23. 21-A MRSA §122, sub-§§6 and 7**, as enacted by PL 1985, c. 307, §1, are amended to read:

**6. Names to be placed on voting list.** Except as provided in paragraph A, the registrar shall accept registrations on any business day or other day that the clerk's office is open. The names of any person registering ~~shall~~ must be placed on the voting list.

A. The registrar ~~shall~~ may accept only the registrations of applicants who appear in person as follows:

(1) In a municipality with a population of 2,500 or ~~less~~ fewer, on the last business day that the clerk's office is open before election day during the hours that the clerk's office is open;

(2) In a municipality with a population of more than 2,500, on the last 5 business days that the clerk's office is open before election day, ~~from 1 p.m. to~~ during the hours that the clerk's office is open and for 2 hours in the evening between 5 p.m. and 7 p.m. to 9 p.m. on at least 3 of these days; and

(3) The names of voters registering during these periods ~~shall~~ must be recorded as provided under subsection 7.

**7. Record of names.** The names of voters who register by appearing in person before the registrar during the business days before election day under subsection 6 ~~shall~~ must be recorded as provided in either paragraph A or B, ~~as the municipal officers direct~~:

A. The registrar shall, after finding an applicant qualified, issue a certificate entitling the voter to be placed on the voting list at the voting place on election day. Only one certificate may be issued to any person; or

B. The registrar shall, after finding the applicant qualified, place the names of those voters on the voting list or on a supplemental voting list. Before the polls are opened, the registrar shall deliver the voting list and the supplemental list or lists to the clerk ~~or ward clerk at each voting place~~. The inclusion of a person's name on ~~that list~~ these lists will entitle the applicant to vote on election day. All references in this Title to the use of the voting list before, during and after

election day are considered to include the supplemental voting list or lists as provided in this paragraph.

**Sec. 24. 21-A MRSA §125**, as amended by PL 1985, c. 614, §7, is further amended to read:

**§125. Notice of schedule**

The registrar shall publish the ~~time and hourly schedules~~ schedule established under section 122, ~~or as changed by the municipal officers subsection 6 or as changed by the municipal officers under subsection 8~~, in a newspaper having general circulation in the municipality at least 7 days before the schedule becomes effective, except that, in municipalities with a population of 2,500 or ~~less fewer~~, the publication of the time schedule by the registrar is discretionary rather than compulsory.

**Sec. 25. 21-A MRSA §128, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

Before ~~the close of the period for accepting the registrations of voters to be placed on~~ printing the final voting list prior to any election, the registrar shall update the voting list as follows:

**Sec. 26. 21-A MRSA §128, sub-§2**, as amended by PL 1993, c. 695, §8, is further amended to read:

**2. Clerk provides list.** The clerk shall, if requested, provide the registrar with a list, certified by the clerk to be true, of the marriages, deaths and changes that took place ~~during the 2 years preceding the close of the period for accepting the registrations of voters to be placed on the~~ since the last update of the voting list. The registrar shall use this list to update the voting list accordingly; or

**Sec. 27. 21-A MRSA §129, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Correction of name or address.** The registrar shall correct the voter's name or address on the voting list, and ~~he may the voter must~~ then vote under ~~his the voter's~~ new name or in ~~his the~~ new district on election day.

A. In a municipality which has more than one voting district, if a voter has changed ~~his the~~ voter's address and votes absentee after the close of registration, ~~he the voter~~ must send a written notice of ~~his the voter's~~ the voter's new address along with ~~his the voter's~~ the voter's absentee application notifying the board of registration of ~~his the voter's~~ the voter's new address. A certificate containing ~~his the voter's~~ the voter's name and new address ~~shall must~~ be directed to the warden of ~~his the voter's~~ the voter's new voting place to

be attached to the incoming voting list on election day.

**Sec. 28. 21-A MRSA §129, sub-§4**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 29. 21-A MRSA §142, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Content of application.** The application must contain the following information: Name of applicant, date of birth, street address, voting district, name of party in which enrollment is requested, signature of the applicant and the date of application.

**Sec. 30. 21-A MRSA §143, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

A voter who is not enrolled in a party may enroll at any election by personally filing the application required by section 142 with the election clerk in charge of the ballots, after which ~~he the applicant may~~ vote. If the applicant votes by absentee ballot ~~because of physical incapacity, he the applicant may~~ file the enrollment application with ~~his the~~ the absentee ballot.

**Sec. 31. 21-A MRSA §144, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Content of application.** The application must contain the following information: Name of applicant, the date of birth, street address, voting district, name of party in which enrolled, name of party in which enrollment is requested, signature of the applicant and the date of application.

**Sec. 32. 21-A MRSA §145, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Candidates for nomination by nomination petition.** If enrolled, candidates for nomination by nomination petition must withdraw their enrollment ~~at least 3 months before the required date for filing of the nomination petition by~~ March 1st of that election year.

**Sec. 33. 21-A MRSA §145, sub-§2** is enacted to read:

**2. Reenrollment after withdrawal.** A voter may not enroll in a different party for 15 days after filing a written request for withdrawal from a party.

**Sec. 34. 21-A MRSA §152, sub-§1, ¶J**, as enacted by PL 1985, c. 161, §6, is amended to read:

J. Date of ~~registration~~ application;

**Sec. 35. 21-A MRSA §152, sub-§§2 and 3**, as enacted by PL 1985, c. 161, §6, are amended to read:

**2. Placement on voting list.** Upon receipt of the application by the registrar of voters ~~or the board of registration when in open session~~, the applicant's name shall must be entered on the voting lists of the municipality as soon as the voter has qualified.

**3. Failure to qualify.** The registrar of voters ~~or the board of registration~~ may investigate any application and remove the voter's name from the list for failure to meet a voting ~~requirement~~ qualification under this Title, after written notice to the voter, to the last known address provided by the voter.

**Sec. 36. 21-A MRSA §154**, as amended by PL 1995, c. 459, §17, is further amended to read:

**§154. Registration and enrollment for citizens outside the United States**

**1. Application.** A person qualified to register under section 111, subsections 1 and 2 and who resides outside the United States and does not maintain a fixed and principal home or other address in the State may register at the last residence address immediately before leaving the United States and enroll by filing a federal postcard application or an application designed by the Secretary of State containing the following information:

- A. First name, middle name or initial and last name, or first name or initial, middle name and last name;
- B. Last residence address immediately before departing from the United States, including street, street number, apartment number, town and zip code;
- C. Mailing address;
- D. Date of birth;
- H. Notification that failure to complete the entire application may prevent registration;
- ~~I. Passport or identity card registration number;~~
- J. Signature of applicant;
- K. Sworn statement that the applicant is a United States citizen and that all information is correct;
- L. Date of application; and
- ~~M. Date of registration; and~~
- N. Choice of political party if the registrant wishes to enroll in a political party or an indication that the applicant chose not to enroll in a party.

**Sec. 37. 21-A MRSA §157**, as amended by PL 1991, c. 466, §9, is further amended to read:

**§157. Acceptance of applications by clerk**

The clerk shall accept applications for registration and enrollment when the registrar of voters is unavailable ~~or the board is not in session~~.

**1. Applicant must qualify before clerk.** The clerk shall require an applicant for registration to qualify under section 122. If the applicant qualifies, the clerk shall write "OK" and initial the application and file it with the ~~board~~ registrar. If the applicant fails to qualify or if ~~his~~ the applicant's qualifications are in doubt, the clerk shall refuse to accept ~~his~~ the application and direct ~~him~~ the applicant to appear before the ~~board~~ registrar.

**2. Final action by registrar.** Final action for acceptance of a registration or enrollment must be taken by the ~~board~~ registrar. If the ~~board~~ registrar rejects an application accepted by the clerk, ~~it~~ the registrar shall immediately notify the applicant by first class mail of the rejection and the reason for it.

**Sec. 38. 21-A MRSA §158**, as amended by PL 1993, c. 447, §2, is further amended to read:

**§158. Municipal caucus**

The registrar ~~or board of registration~~ shall ~~meet in session on the day of~~ attend the official party caucuses for at least one hour preceding the commencement of the party caucus at the location where the party caucus is being held to accept registrations and enrollments and all persons so registered and enrolled may participate in their party caucus.

**Sec. 39. 21-A MRSA §161, sub-§1**, as amended by PL 1985, c. 273, §§1 and 3, is further amended to read:

**1. List prepared.** The registrar shall prepare a printed or typewritten list of all the voters of the municipality, arranged alphabetically by last name. ~~He shall add~~ The list must include the street address of each voter beside the voter's name, mailing address and zip code number. In a municipality covered by only one zip code, ~~he~~ the registrar may print or type the zip code at the top of each page of the voting list. In a municipality which has voting districts, ~~he~~ the registrar shall make a separate list for each district.

A. Except as provided in subparagraph (1), the registrar shall note the enrollment status of each voter using none other than the following: "D" for Democrat, "R" for Republican and "U" for unenrolled.

- (1) The Secretary of State may authorize the use of other symbols to indicate enroll-

ment in other parties formed or forming under chapter 5, subchapter I.

**Sec. 40. 21-A MRSA §171, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Reference file.** When the name of a voter is removed from the voting list, the registrar shall remove ~~his~~ the voter's card from the general register and retain it in a reference file for ~~40~~ 5 years.

**Sec. 41. 21-A MRSA §301, sub-§1, ¶D**, as enacted by PL 1985, c. 161, §6, is amended to read:

D. Each state party committee must file a statement with the Secretary of State on or before ~~April 4th~~ March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party ~~chairman or his~~ chair or the chair's designated agent.

**Sec. 42. 21-A MRSA §302, sub-§1, ¶D**, as enacted by PL 1985, c. 161, §6, is amended to read:

D. The name ~~and~~, address, telephone number, if published, and signature of the voter or one of the group of voters who ~~file~~ files the declaration of intent.

**Sec. 43. 21-A MRSA §302, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Municipal caucuses.** The proposed party must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article II. The ~~chairman~~ chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3, with the Secretary of State before 5 p.m. on ~~April 15th~~ March 20th.

**Sec. 44. 21-A MRSA §303, sub-§1, ¶B**, as amended by PL 1991, c. 862, §3, is further amended to read:

B. The names, addresses ~~and~~, telephone numbers, if published, and signatures of the voters who file the declaration of intent.

**Sec. 45. 21-A MRSA §311, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Time.** A municipal caucus of the Democratic Party, held biennially during the general election year for the purpose of electing delegates to a state convention and for any other business must be held no later than the first Sunday in March. A municipal caucus of any other party, held for the same purpose, must be held before ~~April 1st~~ March 20th.

**Sec. 46. 21-A MRSA §322, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. State committee to report organization.** The ~~chairman~~ chair and the secretary of the state committee shall certify to the Secretary of State the platform adopted and the names of the presidential electors within ~~60~~ 30 days after the convention. The ~~chairman~~ chair and the secretary of the state committee shall certify to the Secretary of State the name and residence of the ~~chairman~~ chair and secretary of each committee and of each committee member within 20 days after their election.

**Sec. 47. 21-A MRSA §331, sub-§3, ¶A**, as enacted by PL 1985, c. 161, §6, is amended to read:

A. A person may not file, whether by primary election or nomination petition, as a candidate for more than one federal, state or county office at any election, except for a candidate for membership in a county charter commission or a candidate for presidential elector under section 351, subsection 3.

**Sec. 48. 21-A MRSA §335, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Residence.** The voter or the circulator of the petition must write or print the voter's street address and municipality of registration. Ditto marks are permitted for street address and municipality of registration only.

**Sec. 49. 21-A MRSA §351, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Exception.** A candidate for membership in a county charter commission must be nominated by petition, and may file as a candidate for one additional federal, state or county office at that same election. A candidate for presidential elector may also file as a candidate for one additional federal, state or county office at that same election.

**Sec. 50. 21-A MRSA §354, sub-§§1 and 4**, as enacted by PL 1985, c. 161, §6, are amended to read:

**1. Content.** A nomination petition must contain the name of only one candidate, ~~his~~ the candidate's place of residence, the office sought and electoral division. A nomination petition may contain as many separate papers as necessary and may contain the candidate's consent required by section 355. It may also contain the candidate's political designation, which may not exceed 3 words in length, and may not incorporate the candidate's name, or the designation or an abbreviation of the designation of a party ~~which~~ that is qualified to nominate candidates by primary election. A candidate who intends to form a new party



about that person's candidacy must use the proposed party's designation.

A. When 2 United States Senators or 2 county commissioners are to be nominated, the nomination petition must contain the term of office sought by the candidate.

B. The names of presidential electors must be placed on the petition as a slate. The names of the candidates for President and Vice President must be placed on a petition for the nomination of presidential electors.

**4. Residence.** The voter or the circulator of the petition must write or print the voter's street address and municipality of registration. Ditto marks are permitted for street address and municipality ~~or~~ of registration only.

**Sec. 51. 21-A MRSA §355, sub-§3,** as amended by PL 1995, c. 459, §29, is further amended to read:

**3. Qualifications declared.** The consent must contain a declaration of the candidate's place of residence and the fact that the candidate has not been enrolled in a party qualified to participate in a primary or general election as of March 1st of that election year and that the candidate meets the qualifications of the office the candidate seeks. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be false by the Secretary of State, the consent and the nomination petition are void.

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.

**Sec. 52. 21-A MRSA §362,** as enacted by PL 1985, c. 161, §6, is amended to read:

**§362. Governor's proclamation for political committee meetings**

When required by this subchapter, the Governor shall issue a proclamation declaring the vacancy, ordering the appropriate political committee to fill it and setting a time and place deadline for the committee to ~~meet~~ fill the vacancy.

**Sec. 53. 21-A MRSA §363, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Time and place of meeting.** The committee shall meet at the time and place ~~prescribed in the Governor's proclamation~~ chosen by the committee.

**Sec. 54. 21-A MRSA §364,** as enacted by PL 1985, c. 161, §6, is amended to read:

**§364. Candidacy by nomination petition**

The nomination of a candidate ~~or nominee~~, other than by party, to fill a vacancy must be made by nomination petition. The nomination process ~~shall be~~ is in the same manner as provided by subchapter II, except that all petitions must be filed by 5 p.m. on the ~~latest date established in the Governor's proclamation for the meeting of the appropriate political committees to fill the vacancy or, where a special election is to be held, by 5 p.m. of the date specified in the proclamation for filing by party candidates for the special election~~ deadline for filling the vacancy set by the Governor pursuant to section 362.

**Sec. 55. 21-A MRSA §376, sub-§§1 and 2,** as amended by PL 1991, c. 466, §15, are further amended to read:

**1. Federal or gubernatorial office.** If a candidate or nominee for a federal or gubernatorial office withdraws less than ~~45~~ 60 days before any election, the Secretary of State is not required to produce new ballots.

**2. Certain state offices.** The Secretary of State is required to produce new ballots only if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws in accordance with section 374-A, subsection 1, paragraph A, B or C, a replacement candidate is nominated and a notification is filed with the Secretary of State by the appropriate committee of the political party making the nomination no later than ~~45~~ 60 days before the election.

**Sec. 56. 21-A MRSA §381, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Nominees chosen.** ~~He~~ The Governor shall order the appropriate political ~~committee members to choose~~ committees to meet and shall set the deadline for choosing nominees ~~and shall set a time and place for them to meet.~~ The ~~committee members~~ political committees shall follow the procedure outlined in section 363.

**Sec. 57. 21-A MRSA §382, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Nominees chosen.** ~~He~~ The Governor shall order the appropriate political committees to ~~choose~~ meet and shall set the deadline for choosing nominees ~~and shall set a time and place for them to meet.~~ The committees shall follow the procedure outlined in section 363.

**Sec. 58. 21-A MRSA §393**, as enacted by PL 1985, c. 161, §6, is amended to read:

**§393. Presidential electors**

Except as provided in section 804, when there is a vacancy in the office of presidential elector, the Governor shall issue a proclamation under section 362 ordering the appropriate state committee to choose a qualified person to fill the vacancy in accordance with the deadline in the proclamation. The procedure outlined in section 363 ~~shall~~ must be followed.

**Sec. 59. 21-A MRSA §411, sub-§3**, as enacted by PL 1995, c. 154, §4, is amended to read:

**3. Date of primary.** The presidential preference primary election must be held on the first Tuesday in March of the presidential election year.

~~This subsection is repealed January 1, 2000.~~

**Sec. 60. 21-A MRSA §411, sub-§4**, as enacted by PL 1995, c. 154, §4, is repealed.

**Sec. 61. 21-A MRSA §411-A, sub-§§2 and 3**, as enacted by PL 1995, c. 154, §5, are amended to read:

**2. Identification of contestants.** Identification of at least 2 candidates who have declared as contestants for nomination as the presidential candidate of the party; ~~and~~

**3. Statement of intent.** A statement that the party intends to participate in a presidential primary election. Such a statement of intent is irrevocable for that particular presidential preference primary election; ~~and~~

**Sec. 62. 21-A MRSA §411-A, sub-§4** is enacted to read:

**4. Statement of enrollment qualifications.** A statement of the enrollment qualifications, subject to the restrictions in section 144, for voters eligible to vote in that party's presidential preference primary.

**Sec. 63. 21-A MRSA §412, sub-§2**, as amended by PL 1995, c. 154, §6, is further amended to read:

**2. Filing fees.** A candidate for the office of president who does not file a petition with the Secretary of State pursuant to subsection 1 must pay a \$2,500 filing fee to the Secretary of State. A candidate must pay the filing fee at the time that candidate files the required written statement of intent and no later than December 1st in the year next prior to the year of the presidential preference primary. If the candidate's party does not file the certification required under section 411-A by December 1st of the

year next prior to the election, the candidate may request in writing and receive a refund of the \$2,500 filing fee from the Secretary of State.

**Sec. 64. 21-A MRSA §415, first ¶**, as repealed and replaced by PL 1995, c. 154, §8, is amended to read:

If a party chooses to participate in a presidential preference primary election under this chapter, delegates to its national presidential nominating convention must be allocated and chosen in the following manner, except to the extent that applicable state and national party rules specify a contrary procedure ~~or for 1996 only, to the extent that the respective state committees specify a contrary procedure.~~

**Sec. 65. 21-A MRSA §501, sub-§3**, as amended by PL 1995, c. 459, §32, is further amended to read:

**3. Provisions applicable to both towns and cities.** ~~Neither the A warden nor ward clerk or any deputy warden may not be an officer of a municipal committee of a political party. Deputy Ward clerks or deputy wardens shall perform the duties of the warden when necessary and may not replace election clerks prescribed by this Title. The warden, ward clerk and deputy wardens must be registered voters of the municipality, except when a nonresident clerk is acting as either warden, ward clerk or deputy warden.~~

**Sec. 66. 21-A MRSA §502**, as amended by PL 1993, c. 447, §8, is further amended to read:

**§502. Duties and vacancies -- warden and ward clerk**

In the event of a vacancy in the office of warden or in the absence or incapacity of the warden, the ward clerk may perform the duties of the warden. A vacancy in the office of ward clerk ~~must~~ may be filled by an election clerk appointed by the warden. ~~Except when an election to the position of ward clerk is nonpartisan and no party affiliation is required. When a ward clerk is elected in a partisan election, an election clerk appointed by the warden must be enrolled in the same political party as the ward clerk and shall serve as ward clerk pro tem.~~

**Sec. 67. 21-A MRSA §601, sub-§2**, as amended by PL 1993, c. 473, §§12 and 13 and affected by §46, is further amended to read:

**2. Content.** The ballot must contain the ~~things~~ items listed in this section. ~~It may contain no others.~~

A. Instructions must be printed in bold type at the top of the ballot informing the voter how to designate the voter's choice on the ballot.

B. The ballot must contain the name, without any title, and place of residence of each candidate, arranged alphabetically with the last name first, under the proper office designation. The name of each candidate may be printed on the ballot in only one space.

C. When 2 United States Senators or 2 county commissioners are to be nominated, the term of office sought by each candidate must be specified on the ballot.

D. At the end of the list of candidates for nomination to each office, there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in or paste in a sticker with the name and municipality of residence of any person for whom he the voter desires to vote, as provided in section 691, subsection 2.

E. Words of explanation such as, "Vote for one" or "Vote for not more than 2" must be printed on the ballot to assist the voter in voting correctly.

F. There must be a place on the ballot for the voter to designate the voter's choice.

G. ~~On the front and back of the folded ballot must be printed "Official (name of political party) Primary Ballot for (name of voting place for which ballot was prepared)", the date of the election, and a facsimile of the state seal. There must be a heading on the ballot that contains the title of the election, the name of the political party, the name of the voting district or districts for which the ballot was prepared, the date of the election and a facsimile of the state seal.~~

H. The name of each nominee must appear on the ballot as follows: ~~Last last~~ name first, in block capital letters, followed by the first name and middle name or initial; or last name first in block capital letters, followed by the first name or the first initial and the middle name.

**Sec. 68. 21-A MRSA §601, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Distinctively colored.** The ballots must be printed separately for each political party on paper of a distinctive color: ~~White white~~ for the party ~~which~~ that cast the greatest number of votes for Governor at the last gubernatorial election; yellow for the 2nd highest; blue for the 3rd highest; and green for the 4th highest. The Secretary of State shall choose a distinctive color for ballots for any other political party. For municipalities which include more than one single member district of the House of Representatives, or parts of more than one single member district, the Secretary of State may prepare primary election

ballots of one or more distinctive colors for each single member district or part thereof within the municipality.

**Sec. 69. 21-A MRSA §601-A, sub-§1**, as enacted by PL 1987, c. 797, §3, is amended to read:

**1. Arrangement.** The ballot must be arranged ~~in one column~~ a manner that is as consistent and uniform as possible throughout the State.

**Sec. 70. 21-A MRSA §601-A, sub-§2, ¶B**, as enacted by PL 1987, c. 797, §3, is amended to read:

B. The ballot must contain the name, without any title, ~~and place of residence~~ of each candidate, arranged alphabetically with the last name first in block capital letters, followed by the first name and middle name or initial, or followed by the first name or first initial and the middle name. The name of each candidate may be printed on the ballot in only one space.

**Sec. 71. 21-A MRSA §601-A, sub-§2, ¶¶D and E**, as amended by PL 1993, c. 334, §4, are repealed and the following enacted in their place:

D. There must be a place on the ballot for the voter to designate the voter's choice.

E. There must be a heading on the ballot that contains the title of the election, the name of the political party, the name of the voting district or districts for which the ballot was prepared, the date of the election and a facsimile of the state seal.

**Sec. 72. 21-A MRSA §602, sub-§1**, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

**1. Arrangement.** The ballots must be arranged in a manner that is as consistent and uniform as possible throughout the State.

**Sec. 73. 21-A MRSA §602, sub-§2**, as amended by PL 1995, c. 459, §35, is further amended to read:

**2. Content.** The ballot must contain the ~~things~~ items listed in this section. ~~It may contain no others.~~

A. The names of candidates for any one office may not be split into more than one column regardless of number. The initial letters of the last names of the candidates must be printed directly beneath each other in a vertical line and the respective party designations of each nominee must be printed directly beneath each other in a vertical line.

B. The designation of the party ~~which that~~ the nominee represents must be printed ~~to the right of~~ with each nominee's name, ~~properly separated from but still in line with the name of the nominee.~~ The party designation may be abbreviated.

C. Instructions must be printed in bold type at the top of the ballot informing the voter how to designate the voter's choice on the ballot.

D. When 2 United States Senators or 2 county commissioners are to be elected, the term of office sought by each nominee must be specified on the ballot.

E. At the end of the list of nominees to each office, there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in the name and municipality of residence of any person for whom ~~he the voter~~ desires to vote, as provided in section 692, subsection 2.

F. Words of explanation such as "Vote for one" or "Vote for not more than 2" must be printed on the ballot to assist the voter in voting correctly.

G. There must be a place on the ballot for the voter to ~~mark the ballot to~~ designate the voter's choice.

H. The name of each nominee must appear on the ballot as follows: ~~Last~~ last name first, in block capital letters, followed by the first name and middle name or initial; or last name first, in block capital letters, followed by the first name or first initial and the middle name.

**Sec. 74. 21-A MRSA §602, sub-§3**, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

**3. Heading.** There must be a heading on the ballot that contains the title of the election, the name of the voting district or districts for which the ballot was prepared, the date of the election and a facsimile of the state seal.

**Sec. 75. 21-A MRSA §602, sub-§6**, as amended by PL 1993, c. 695, §24, is further amended to read:

**6. Size.** The Secretary of State shall determine the size of the ballots. With the permission of the Secretary of State, the clerk may make a reasonable number of enlarged ballots in order to assist voters who are visually impaired. The clerk may also make a reasonable number of enlarged instruction posters and enlarged ~~specimen sample~~ ballots at the clerk's own discretion. A voter who is visually impaired may

request of the clerk an enlarged ballot or an enlarged ~~specimen sample~~ ballot to assist the voter.

**Sec. 76. 21-A MRSA §602, sub-§7**, as amended by PL 1995, c. 459, §36, is further amended to read:

**7. Contents concealed.** The ballots ~~must~~ may be folded uniformly so that the interior contents are concealed, except in municipalities using electronic tabulating systems.

**Sec. 77. 21-A MRSA §603**, as amended by PL 1995, c. 459, §§37 to 39, is further amended to read:

### **§603. Sample ballots**

~~Specimen Sample~~ ballots are governed by the following provisions.

**1. Secretary of State to prepare.** The Secretary of State shall prepare the ~~specimen sample~~ ballots.

A. The words "~~SPECIMEN SAMPLE~~ BALLOT" in bold type, the title and date of the election, and the name of the voting district must be printed at the top of the ballot. The facsimile of the ~~signature of the Secretary of State~~ state seal ~~must~~ may not be printed on it. It must be printed flat with the back blank. Otherwise, it must be printed substantially the same as a regular ballot.

B. The ballot must be printed on paper of a distinctive color.

**2. When furnished.** The Secretary of State shall send a reasonable number of ~~specimen sample~~ ballots to the clerk for posting, as provided in section 625, and an additional number with the regular ballots.

**3. Available for publication.** Within a reasonable time before the election, the Secretary of State shall make ~~specimen sample~~ ballots available for publication in all newspapers having general circulation in the area to which the ballots pertain. A single ~~specimen sample~~ ballot so published may carry the name of each candidate for State Senator and Representative to the Legislature in the area covered by the circulation of the newspaper. The name of the voting district need not be printed on the published ~~specimen sample~~ sample ballot.

**4-A. Clerk to review sample ballots.** Upon receipt, the clerk shall review the ~~specimen sample~~ ballots for accuracy and must immediately notify the Secretary of State of any errors.

**4-B. Duplication of sample ballots.** ~~Specimen Sample~~ ballots may be duplicated as needed at the clerk's own discretion.

**5. Sample ballot instructions printed in French language.** The Secretary of State shall prepare ballot instructions in the French language, to be printed on a separate sheet of paper which that may conveniently be attached to specimen sample ballots. The Secretary of State shall furnish these ballot instruction sheets upon request by the clerk of a municipality. ~~The number of specimen ballot instruction sheets to be furnished to a municipality, when added to the number of specimen ballots and instruction posters in the English language to be furnished to that municipality, may not be greater than the total number of specimen ballots and instruction posters to be furnished that municipality, if specimen ballot sheets printed in the French language had not been requested.~~

**Sec. 78. 21-A MRSA §604, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Ballots amended.** Ballots already printed may be amended by having corrective stickers added, or by some other means, as directed by the Secretary of State.

**Sec. 79. 21-A MRSA §604-A,** as enacted by PL 1987, c. 188, §5, is amended to read:

**§604-A. Flexibility for combining election ballots**

Notwithstanding any other provision of this Title, the Secretary of State may make suitable arrangement for the printing of candidate, referendum and municipal election ballots on a single paper ballot or ballot card used in conjunction with electronic voting systems or for the printing of candidate and referendum ballots on a single ballot for paper ballot voting systems. The Secretary of State may only allow such a combination if ~~he~~ the Secretary of State finds that it is in the interest of the election process and that it will not contribute to voter confusion or unreasonable administrative difficulties.

**Sec. 80. 21-A MRSA §606, first ¶,** as amended by PL 1995, c. 459, §41, is further amended to read:

Within a reasonable time before any election, the Secretary of State shall furnish each municipality with official ballots and ~~specimen sample~~ ballots, including a sufficient number to be used for testing electronic tabulating systems if applicable, instruction posters, election return forms, posters ~~of specimen ballots~~ for constitutional resolutions and statewide referenda, including the Attorney General's explanatory statements prepared under Title 1, section 353, ~~and the summary of the proposal prepared under section 901, subsection 5,~~ materials setting forth the full text of all constitutional resolutions and statewide referenda and other materials necessary for conducting and reporting the results of the election.

**Sec. 81. 21-A MRSA §607, sub-§5,** as enacted by PL 1985, c. 161, §6, is amended to read:

**5. Separate ballot box for constitutional amendments and referenda.** A municipality having 5,000 or more inhabitants, except where the municipality uses voting machines or electronic voting systems, shall, and a municipality with fewer inhabitants may, by vote of its municipal officers, use separate ballot boxes at elections for the deposit of votes on constitutional amendments and referenda. The municipal officers must notify the Secretary of State of this action ~~at least 60 days~~ before the date of the election at which the separate ballot boxes are to be used. These ballot boxes are subject to all the provisions relating to official ballot boxes under this section. ~~They may be furnished by the Secretary of State at the expense of the municipality.~~

**Sec. 82. 21-A MRSA §621,** as amended by PL 1995, c. 459, §46, is repealed.

**Sec. 83. 21-A MRSA §621-A** is enacted to read:

**§621-A. Announcing an election**

The Secretary of State shall send a notice of election to the municipal clerk, who shall announce the election as follows.

**1. Notice posted.** The clerk shall post or have posted a notice of election, attested by the clerk, in a conspicuous public place in each voting district in the municipality at least 7 days immediately before election day.

**2. Notice recorded.** The clerk shall record a copy of the notice along with the times and places of posting.

**Sec. 84. 21-A MRSA §622,** as amended by PL 1995, c. 459, §47, is repealed.

**Sec. 85. 21-A MRSA §622-A** is enacted to read:

**§622-A. Notice of election**

The notice of election must contain the following items: a heading that states "Notice of Election" in bold type, the day, date and title of the election, the voting district designation, if any, the name and location of the voting place, the opening and closing times of the polls and a list of the offices and referendum questions for that election. The clerk may add times for processing absentee ballots pursuant to section 759, subsection 7.

**Sec. 86. 21-A MRSA §623,** as amended by PL 1995, c. 459, §48, is repealed.

**Sec. 87. 21-A MRSA §625**, as enacted by PL 1985, c. 161, §6, is amended to read:

**§625. Posting of sample ballots**

At least 7 days before an election, the clerk shall post a ~~specimen~~ sample ballot, furnished to ~~him~~ the clerk under section 603, in a conspicuous, public place in each voting district.

**Sec. 88. 21-A MRSA §626, sub-§1**, as amended by PL 1985, c. 580, is further amended to read:

**1. Opening time flexible.** ~~Except in municipalities of population less than 100, the~~ The polls must be opened no earlier than 6 a.m. and no later than 9 a.m. on election day; except that in municipalities with a population of less than 4,000, the polls must be opened no later than 10:00 a.m. on election day. The municipal officers of each municipality shall determine the time of opening the polls within these limits.

**Sec. 89. 21-A MRSA §626, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Polling times in election notice.** The municipal ~~officers~~ clerk shall state the times of opening and closing the polls in the ~~warrant announcing~~ notice of the election.

**Sec. 90. 21-A MRSA §629, sub-§4**, as corrected by RR 1995, c. 1, §9, is amended to read:

**4. Booth for the visually impaired.** The clerk shall equip at least one of the voting booths at the voting place with an enlarged instruction poster, a magnifying device and an adjustable lamp for improved lighting. The clerk may also equip the voting booth with an enlarged ~~specimen~~ sample ballot at the clerk's own discretion.

**Sec. 91. 21-A MRSA §630, sub-§2, ¶B**, as amended by PL 1995, c. 459, §53, is further amended to read:

B. In municipalities in which one or more voting places are inaccessible to handicapped voters and in which the office of the clerk is in a building that is accessible as defined in subsection 1, paragraph A, the municipal officers shall designate the office of the clerk as an alternative voting place for physically handicapped voters who reside in voting districts that do not have accessible voting places. In municipalities in which one or more voting places and the office of the clerk are inaccessible to physically handicapped voters and in which one or more voting places are accessible to these voters, the municipal officers shall designate one of these accessible voting places, as centrally located as possible, as the

alternative voting place for physically handicapped voters who reside in voting districts that do not have accessible voting places. A physically handicapped voter who wishes to vote at an alternative voting place must notify the clerk of the municipality at least 48 hours before the date of any election. This notice may be waived if an emergency exists. The clerk shall keep a list of the persons who give this notice.

Not later than 10 days before the date of any election, the clerk shall issue a public notice designating the location of the alternative accessible voting place. This notice is not required in any municipality in which all or no voting places are accessible to these persons.

When a physically handicapped voter votes at the office of the clerk or at an alternative voting place, that voter shall vote by absentee ballot and the method of voting must be the same as in section 754-A. If the municipality has a central voting place, then the handicapped voter may vote there using a regular ballot for the applicable voting district. If an alternative voting place is designated, the clerk shall furnish a reasonable number of absentee ballots and return envelopes to the warden. When the clerk or the warden receives such a ballot, the clerk or warden shall follow, as far as applicable, the same procedure prescribed in subchapter IV for the clerk to follow in handling absentee ballots.

**Sec. 92. 21-A MRSA §651, sub-§2**, as amended by PL 1991, c. 347, §3, is repealed and the following enacted in its place:

**2. Election materials distributed and posted.**

At any time after the materials are received and before the polls are open, the clerk may open the packages or boxes of election materials, break the seals on the packages not marked "ballots," and use the materials for instructional purposes. The election officials shall post one instruction poster in each voting booth and 2 instruction posters outside the guardrail where they are visible to voters before they have voted. The election officials shall also post 2 sets of sample ballots or 2 sets of sample ballot labels for each ballot being used in that voting place, along with 2 posters of the constitutional resolutions and statewide referenda, outside the guardrail where they are visible to voters.

**Sec. 93. 21-A MRSA §651, sub-§2-B**, as enacted by PL 1991, c. 347, §4, is amended to read:

**2-B. Opening of ballot packages.** ~~When the polls are opened, or no~~ No more than 1/2 hour before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the election clerks in charge of them. The breaking of the seals on the packages

containing the ballots is a public proceeding and any member of the public may be present.

**Sec. 94. 21-A MRSA §651, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Ballot box examined.** ~~The~~ Before opening the ballots, the warden shall ~~then~~ open the official ballot box, examine it and show publicly that it is empty. Immediately after examination, ~~he~~ the warden shall lock the box and deliver the key to the ward clerk who shall keep it until the polls are closed. After the box has been locked, it may not be moved until the polls are closed.

**Sec. 95. 21-A MRSA §671, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Retires to voting booth.** After receiving ~~his~~ the ballot ~~or ballots~~, the voter shall retire to a voting booth; and mark his the ballot or ballots without delay; ~~fold it the same as it was when he received it~~ and leave the voting booth. No ballot, marked or unmarked, may be left in the voting booth by the voter.

**Sec. 96. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 1995, c. 459, §59, is further amended to read:

A. Only the following reasons for challenges may be accepted by the warden. The challenged person:

- (1) Is not a registered voter;
- (2) Is not enrolled in the proper party, if voting in a primary election;
- (3) Is not qualified to be a registered voter because the challenged person is not:
  - (a) At least 18 years of age;
  - (b) A citizen of the United States; or
  - (c) A resident of the municipality or appropriate electoral district within the municipality;
- (4) Did not properly apply for an absentee ballot;
- (6) Did not properly complete the affidavit on the absentee return envelope;
- (7) Did not cast the ballot or complete the affidavit before the appropriate witness;
- (8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;

(9) Did not have the ballot returned to the clerk by the time prescribed;

(10) Voted using the name of another; ~~or~~

(11) Committed any other specified violation of this Title; ~~or~~

(12) Voted using the wrong ballot for the appropriate electoral district.

**Sec. 97. 21-A MRSA §673, sub-§3**, as amended by PL 1995, c. 459, §60, is further amended to read:

**3. Ballot marked.** The warden shall write a number on the outside of the ballot. The warden shall also complete a certificate on which appears the word "Challenged," the name of the voter challenged and the reason for the challenge ~~over the voter's signature~~. The challenger and the warden shall ~~also~~ sign the certificate. After the challenger has signed the certificate, the warden shall place the number that was written on the ballot in a conspicuous place on the certificate. Only the warden and the challenged voter may know the ballot number. The warden shall place the challenge certificate in a sealed envelope marked "Challenge Certificate #(certificate number)" and shall retain the envelope until it is sealed with the ballot materials pursuant to section 698.

**Sec. 98. 21-A MRSA §673, sub-§3-A** is enacted to read:

**3-A. List of challenged ballots.** The warden shall maintain a list of all challenges made. The list must include the name of the voter challenged, the name of the challenger and the reason for the challenge. The list may not include the unique number assigned to the ballot of the challenged voter. The list must be made available for public inspection after the polls close.

**Sec. 99. 21-A MRSA §693**, as amended by PL 1995, c. 459, §63, is further amended to read:

#### **§693. Spoiled ballots**

If a voter spoils the ballot, the voter may obtain a replacement, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots. The warden or ward clerk shall ~~mark~~ write "Spoiled by voter" on the ~~outside of the~~ spoiled ballot, sign it and place it in an envelope marked "Spoiled ballots." If a replacement ballot is issued to the voter, the warden or ward clerk must also mark "Replacement ballot issued" on the ~~outside of the~~ spoiled ballot.

**Sec. 100. 21-A MRSA §696, sub-§1**, as amended by PL 1993, c. 473, §23 and affected by §46, is further amended to read:

**1. Challenged ballot.** A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the results of an election.

If the challenged ballot affects the result of an election, the envelope containing the challenge certificate must be submitted to the Supreme Judicial Court and its validity must be determined, except when final determination of the election of a candidate is governed by the United States Constitution. ~~The challenge certificate must be in a form the Secretary of State establishes by rule.~~

**Sec. 101. 21-A MRSA §696, sub-§2,** as amended by PL 1995, c. 459, §6, is further amended to read:

**2. Defective ballot.** A ~~ballot~~ vote for an office, candidate or question held to be defective by the warden or ward clerk ~~shall~~ may not be counted for ~~the~~ that office, candidate or question ~~affected by the defect,~~ as follows.

A. If a voter marks more names for an office than there are vacancies to be filled, ~~his~~ the voter's vote for that office ~~shall~~ may not be counted.

B. If a voter marks ~~his~~ the voter's ballot in such a manner that it is impossible to determine ~~his~~ the voter's choice, ~~his~~ the voter's vote for the office or question concerned ~~shall~~ may not be counted.

C. If a voter marks a write-in ~~square~~ indicator for an office, but does not write both a name and a municipality of residence in the blank space provided to the right of the write-in ~~square~~ indicator, that vote for that office is not counted, unless a determination of choice under subsection 4 is possible.

D. If a voter writes in a name and municipality of residence, but does not mark the write-in ~~square~~ indicator, that vote for that office ~~shall~~ may not be counted.

E. If a voter writes in a write-in ~~square~~ space a fictitious name, the name of a deceased person or the name of a ~~well known~~ person from outside the State who could not be a candidate for office, the vote for that office ~~shall~~ may not be counted. A name written in this manner is not a distinguishing mark.

F. The warden or ward clerk shall ~~mark~~ write "Defective" on the ~~outside of the defective~~ ballot, the reason for the ~~ballot to have been held defective,~~ defect beside the office, candidate or question for which it is defective, and shall replace

the ballot with the other ballots, to be counted for other offices or questions.

**Sec. 102. 21-A MRSA §696, sub-§4,** as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Determination of choice possible.** If a voter marks ~~his~~ the voter's ballot in a manner ~~which~~ that differs from the instructions at the top of the ballot but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned ~~shall~~ must be counted. A mark made on or in the ~~square~~ which voting indicator ~~that~~ differs from the instructions at the top of the ballot but ~~which~~ that clearly indicates the voter's choice is not a distinguishing mark.

A. When a voter has clearly manifested an intention to make a distinguishing mark, or to mark ~~his~~ the voter's ballot in a manner inconsistent with an honest purpose or to act in a fraudulent manner, then the ballot is void.

**Sec. 103. 21-A MRSA §698, sub-§1,** as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

**1. Paper ballots wrapped.** The election clerks shall wrap the tabulation of the count for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped separately with their own tabulations unless the referendum ballot is combined with the candidate ballot. The tabulations must be signed by the warden and the ward clerk or deputy warden or another election official.

**Sec. 104. 21-A MRSA §722, sub-§1,** as amended by PL 1993, c. 695, §30, is further amended to read:

**1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an election return to have been cast for a candidate, even though the candidate's name is misspelled, written with the candidate's initials, with wrong initials, or otherwise, on the return. All candidates receiving less than ~~4%~~ 5% of the votes cast for that office must be titled "others" when the tabulation is processed.

**Sec. 105. 21-A MRSA §751, sub-§7,** as amended by PL 1995, c. 670, Pt. A, §1 and affected by Pt. D, §5, is further amended to read:

**7. Residence in certain facilities.** Residence in a licensed nursing home, as defined in Title 22, chapter 405, licensed boarding home, as defined in Title 22, chapter 1665, or certified congregate housing unit, as defined in Title 22, chapter 1665. Residents of those facilities may cast absentee ballots ~~only~~ when the clerk is present;



**Sec. 106. 21-A MRSA §752, sub-§1, ¶A,** as amended by PL 1995, c. 459, §70, is further amended to read:

A. At least ~~90 days~~ 3 months before the election to which they pertain, the Secretary of State shall furnish each municipality with a reasonable number of blank absentee ballots for use by members of the Armed Forces and citizens outside the United States who have met the qualifications in section ~~751-A~~ 751. These ballots must be similar to regular ballots, except that no candidate names may be printed. The Secretary of State shall prepare a ballot listing all offices to be selected with a space after each office to write in the voter's preference. The following instructions must be printed in bold type at the top of the ballot: **YOU MAY VOTE FOR A PERSON BY WRITING IN THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE PROPER OFFICE.**

**Sec. 107. 21-A MRSA §753, sub-§2,** as amended by PL 1995, c. 459, §72, is further amended to read:

**2. Request in writing.** A written request for an absentee ballot from the voter, ~~the voter's spouse, a blood relative of the voter or the voter's former guardian~~ or a member of the voter's immediate family is sufficient for the municipal clerk to issue an absentee ballot by mail or in person to the voter or to the immediate family member making the request or to a 3rd person pursuant to section 753, subsection 3 who is designated in a request made by the voter.

**Sec. 108. 21-A MRSA §753, sub-§2-A,** as amended by PL 1985, c. 614, §20, is further amended to read:

**2-A. Request by telephone.** The clerk may issue a ballot to a voter without receiving an application by the following procedures.

A. A voter may request a ballot from the clerk by telephone.

B. The clerk shall ask the voter for the information required on the application and shall fill in the application with that information, except the voter's signature, and shall write "telephone request" on the application.

C. The clerk shall verify that it is the voter who is requesting the ballot by making the voter confirm the voter's residence and birthdate on the general register of voters.

D. The clerk shall mail or deliver the ballot to the voter at the mailing address requested by the voter.

If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application, unless the municipal ballots are not ready to issue at the time the statewide ballot is available. The clerk may not delay the issuance of a statewide absentee ballot in order to include a municipal ballot pursuant to this section.

**Sec. 109. 21-A MRSA §753, sub-§2-B** is enacted to read:

**2-B. Request by facsimile.** A facsimile of a written request or an absentee ballot application signed by the voter or a member of the voter's immediate family is sufficient for the municipal clerk to issue an absentee ballot by mail or in person to the voter or to the immediate family member making the request or to a 3rd person pursuant to section 753, subsection 3 who is designated in a request made by the voter.

**Sec. 110. 21-A MRSA §753, sub-§4,** as amended by PL 1985, c. 357, §§10 and 19, is further amended to read:

**4. Assistance to certain voters.** A voter who is unable to read, sign or complete ~~his~~ an application because of ~~his~~ physical disability, illiteracy or religious faith, may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist ~~him~~ the voter in reading, signing or completing the application. That aide may read the application to the voter or may complete the application for the voter, or sign it, ~~or both,~~ according to the voter's instructions, or may assist ~~him~~ the voter in signing the application. When an aide assists a voter ~~in this way by reading or signing the application,~~ the aide must write on the application that he the aide has so assisted the voter in signing the application, the reason the voter was unable to complete or sign the application, or both, and must sign ~~his~~ the aide's name.

**Sec. 111. 21-A MRSA §753, sub-§7,** as amended by PL 1995, c. 459, §74, is further amended to read:

**7. Absentee voting in presence of clerk.** A person who wishes to vote by absentee ballot because that person will not be able to vote in person at the voting place on election day may, without completing an application, vote by absentee ballot in the presence of the clerk. The method of voting is otherwise as prescribed in this Article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter

voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or ballot issue is prohibited within the clerk's office and within 250 feet of the entrance to the clerk's office or on the on public property on which the clerk's office stands, whichever is less within 250 feet of the entrance to the clerk's office.

A. This subsection does not apply to the display or distribution of any campaign advertising material on private property that is within 250 feet of the entrance to the clerk's office.

B. This subsection does not apply to campaign advertising material on automobiles traveling to and from the municipal office or parked on municipal property while visiting the municipal office to conduct municipal business. It does not prohibit a person who is at the municipal office for the purpose of conducting municipal business or for absentee voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

**Sec. 112. 21-A MRSA §754-A, sub-§1,** as enacted by PL 1985, c. 357, §§12 and 19, is amended to read:

**1. Ballot delivered by mail and returned by mail or in person.** When a voter obtains ~~his~~ a ballot from the clerk in person or by mail and returns his that ballot to the clerk in person or by mail and he receives no assistance in marking ~~his~~ the ballot, the following procedures apply.

A. The voter ~~must~~ shall mark ~~his~~ that ballot according to section 691 or 692 so that it is impossible for anyone present at the time to see how ~~he~~ the voter voted.

B. While the voter is marking the ballot, there may be no communication between the voter and any other individual as to the person or question for which the voter is to vote.

C. After the voter has completed marking ~~his~~ the ballot, ~~he must~~ the voter shall then seal the ballot in its return envelope and complete the affidavit on the envelope. No notary or witness certification is required.

D. The voter ~~must~~ shall then complete the address on the envelope and mail it or deliver it in person to the clerk of the municipality of which ~~he~~ the voter is a resident. ~~He must~~ The voter

shall send a completed application, if necessary, in a separate envelope.

**Sec. 113. 21-A MRSA §759, sub-§7,** as amended by PL 1995, c. 459, §79, is further amended to read:

**7. Processing before close of polls.** A notice signed by the municipal ~~officers~~ clerk must be posted at least 7 days before election day in the same manner as posting the ~~warrant, or as part of the warrant~~ notice of election, under section ~~624~~ 621-A, stating each specific time that the clerk intends to begin processing absentee ballots on election day. The warden shall follow the procedures required by subsections 1 to 6 to process absentee ballots before the close of the polls. The clerk shall notify the chairs of each political party of the municipality, in writing, that this procedure is to occur. This notice must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk.

**Sec. 114. 21-A MRSA §759, sub-§8,** as amended by PL 1995, c. 459, §80, is further amended to read:

**8. Inspection after polls close.** If a candidate or that candidate's representative notifies the warden before 8:00 p.m. that the candidate or representative wishes to inspect absentee ballot applications and envelopes after the polls close, the warden shall allow the candidate or representative to inspect the applications and envelopes of ballots that have not yet been processed for 30 minutes after the polls close. If a candidate or that candidate's representative notifies the warden before the next time for processing absentee ballots as specified in the notice pursuant to subsection 7 that the candidate or representative wishes to inspect absentee ballot applications and envelopes before they are processed, the warden shall allow the candidate or representative to inspect the applications and envelopes of ballots that have not yet been processed for 30 minutes after the time specified in the notice for processing. The warden may immediately proceed to process the ballots after the candidate or representative has completed the review.

**Sec. 115. 21-A MRSA §764,** as amended by PL 1991, c. 466, §35, is further amended to read:

**§764. Applications and envelopes as public records**

Absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day, or until the ballots have been processed on election day, if the municipality processes absentee ballots before 8:00 p.m. After that time, except as provided in section 759, subsection 8, the applications and envelopes are not public records and may be inspected only in accordance with this Title.

**Sec. 116. 21-A MRSA §820**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 117. 21-A MRSA §822, first ¶**, as amended by PL 1995, c. 459, §91, is further amended to read:

When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk from a political party other than that of the warden. The warden shall ensure that the correct ballot labels were delivered by comparing them with the ~~specimen~~ sample ballot.

**Sec. 118. 21-A MRSA §852, sub-§1**, as amended by PL 1995, c. 459, §104, is further amended to read:

**1. Preparation for voting.** Before the polls are opened, the election officials shall arrive at the polling place and place the voting devices in position for voting. The officials shall ensure that the devices are in proper working order and that the correct ballots were delivered. They shall open and check the ballots, supplies, records and forms and post the ~~specimen~~ sample ballots and instructions to voters.

**Sec. 119. 21-A MRSA §1055, 2nd ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

No A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee ~~which~~ that made or financed the expenditure for the communication and statement that reads: "A copy of our report is available from and may be viewed at the office of the ~~Secretary of State Commission on~~ Governmental Ethics and Election Practices."

See title page for effective date.

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## CHAPTER 437

S.P. 473 - L.D. 1475

### An Act to Amend Certain Motor Vehicle Laws

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

**Sec. 1. 5 MRSA §88-A**, as amended by PL 1995, c. 645, Pt. B, §§1 and 2 and affected by §24, is repealed.

**Sec. 2. 22 MRSA §1555-A**, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

#### §1555-A. Identification cards

A licensee may refuse to sell tobacco to any person who fails to display upon request an identification card issued under Title ~~5~~ 29-A, section ~~88-A~~ 1410 or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A.

**Sec. 3. 28-A MRSA §706**, as amended by PL 1995, c. 65, Pt. A, §79 and affected by §153 and affected by Pt. C, §15, is further amended to read:

#### §706. Identification cards

**1. Acceptable identification.** A licensee may refuse to serve liquor to any person who fails to display upon request an identification card issued under Title ~~5~~ 29-A, section ~~88-A~~ 1410, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11.

**Sec. 4. 29-A MRSA §105, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Violation.** A person is guilty of a Class E crime if that person, while operating a vehicle in violation of this Title, fails or refuses upon request to give that person's correct name, address ~~and~~ or date of birth to a law enforcement officer.

**Sec. 5. 29-A MRSA §153**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

#### §153. Rules

The Secretary of State may adopt, amend or repeal rules necessary to administer this Title, as provided in the Maine Administrative Procedure Act. Unless defined otherwise, rules adopted pursuant to this Title are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 6. 29-A MRSA §453, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Vanity registration plates.** The Secretary of State may issue registration plates that contain letters or a combination of letters and numbers for automobiles, taxi cabs, limousines, pickup trucks, trucks that are registered up to 9,000 pounds gross vehicle weight, motorcycles, motor homes or trailers not to exceed 2,000 pounds, whether semitrailers, 4-wheeled or semitrailers that do not exceed 2,000 pounds and camp trailers. The number of characters appearing on ~~such~~ a plate issued under this section may not exceed 7.