Amend the bill by striking out all of sections 1 and 2.

Amend the bill in section 5 in subsection 10 in the 3rd line (page 1, line 28 in L.D.) by striking out the following: "of that" and inserting the following: 'beginning when the candidate files a petition to be a candidate or is nominated to be a replacement candidate until the time of'

Amend the bill by striking out all of sections 9 and 10.

Amend the bill by striking out all of section 19.

Amend the bill in section 42 by striking out all of subsection 2 (page 13, lines 6 to 11 in L.D.) and inserting the following:

'**2. Write-in vote.** If the voter wishes to vote for a person whose name is not on the ballot and who is not a declared write-in candidate in accordance with section 722-A, the voter must write the name and municipality of residence or paste a sticker containing the name and municipality of residence in the blank space provided at the end of the list of candidates for nomination to the office in question. If the voter wishes to vote for a declared write-in candidate, the voter must write the name of the candidate in the blank space provided at the end of the list of candidates for nomination to the office in question. The voter must then mark the ballot as instructed in the directions on the ballot to indicate a vote for the write-in candidate.'

Amend the bill by striking out all of section 48.

Amend the bill by striking out all of section 50 and inserting the following:

'**Sec. 50. 21-A MRSA §759, sub-§4,** as enacted by PL 1985, c. 161, §6, is amended to read:

4. Warden to check absentee ballot for correct party or district. At a primary election when the warden removes a ballot from its envelope, hethe warden shall check its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, hethe warden shall immediately replace it in its envelope, reseal the envelope and write "Rejected" on it, the reason why and histhe warden's initials. At a primary or general election, in a municipality that has more than one voting district, when the warden removes a ballot from its envelope, the warden shall check its color to be sure it is the ballot of the district in which the voter is registered. If it is not, the warden shall challenge the ballot according to section 673.

Sec. 51. 21-A MRSA §760-A, sub-§4, as enacted by PL 1995, c. 459, §82, is amended to read:

4. Counting procedure. After the incoming voting list has been marked according to the procedures in subsection 3, the municipal clerk shall then proceed to process the absentee ballots using the procedures set forth in sections 759, 761 and 762 at the next time scheduled under section 759, subsection 7. The ballots must be processed publicly so that all those present may observe the proceedings.

Sec. 52. 21-A MRSA §760-B is enacted to read:

§ 760-B. Procedures when clerk processes absentee ballots prior to election day

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots on the day immediately prior to election day. The clerk shall use the following procedure when processing the absentee ballots during this time.

1. Time for processing. In a municipality that has opted to process absentee ballots on the day immediately prior to election day, the municipal clerk or the clerk's designees may process absentee ballots at the times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m.

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under section 621-A, stating each specific time that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 7 days before election day, the clerk shall notify the Secretary of State and the chairs of each political party of the municipality, in writing, that this procedure is to occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile. A copy of the notice of election is considered notice in writing under this subsection.

3. Inspection of absentee envelopes before processing. A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on the day immediately prior to election day. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the first time specified in the notice of election for processing the absentee ballots. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed.

4. Processing and other procedures. The clerk shall use the procedure described in this section when processing the absentee ballots during the designated times. Procedures for handling full ballot boxes, pollwatching and challenging ballots are conducted in the same manner as election day or as nearly practicable.

5. Counting and results prohibited before the polls close. The absentee ballots may not be counted, voter intent may not be determined and election results may not be obtained or released until after the polls have closed on election day, and all election day ballots have been cast and all absentee ballots have been processed.

6. Security of processed ballots and tabulating equipment. At the conclusion of absentee ballot processing on the day immediately prior to election day, the clerk shall ensure that the early processed absentee ballots are locked and sealed in the ballot box, automatic tabulating equipment ballot box or tamper-proof containers provided by the Secretary of State and secured in a vault or other locked secure location, until the voting resumes on election day or until the ballots are counted after the polls close. The Secretary of State shall publish uniform guidelines for securing ballots and other materials under this section.

Sec. 53. 21-A MRSA §761, as enacted by PL 1985, c. 161, §6, is repealed.

Amend the bill by striking out all of sections 57, 58 and 59.

Amend the bill in section 60 by striking out all of §904 (page 17, lines 5 to 19 in L.D.) and inserting the following:

'**§ 904. Violations and penalties**

A person commits a Class E crime if that person:

1. False swearing; signature.   Circulates an initiative or referendum petition and swears that a signature is that of a person whose name it purports to be when the circulator knows that the signature is not that of the person;

2. False acknowledgement of oath.   Is authorized by law to administer oaths and willfully and falsely acknowledges the oath of a circulator of an initiative or referendum petition when that oath was not made in the presence of that person;

3. False signature.   Knowingly signs an initiative or referendum petition with a name other than the person's own name;

4. Duplicate signature.   Knowingly signs the person's name more than once on initiative or referendum petitions for the same measure; or

5. False swearing; signature made in circulator's presence.   Circulates an initiative or referendum petition and willfully swears that a signature to the petition was made in the circulator's presence when it was not.'

Amend the bill by inserting after section 60 the following:

'**Sec. 61. Resolve 2005, c. 70** is amended to read:

Sec. 1. Secretary of State to design pilot program for early voting. Resolved: That the Secretary of State shall design a pilot program for early voting for the ~~general~~ election to be held in November ~~2008~~2007. The Secretary of State shall select one municipality that is willing and able to be the pilot municipality and may select an additional municipality or municipalities to participate in the pilot program at the discretion of the Secretary of State and with the consent of the municipalities. In designing the pilot program, the Secretary of State may consult with other states that have early voting laws in order to use best practices of those states; and be it further

Sec. 2. Reporting date established. Resolved: That the Secretary of State shall submit a report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs detailing the plan for conducting a pilot program for early voting and outlining any issues of concern. The committee shall review the plan and by May 1, 2007 may submit legislation to the First Regular Session of the 123rd Legislature to authorize the Secretary of State to conduct the pilot program for the November ~~2008 general~~2007 election.'

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

SUMMARY

This amendment removes the provision of the bill that amends the definition of "immediate family" to include a domestic partner as that amendment has already been enacted by another bill. The amendment adds clarifying language to the prohibition in the bill that a registrar may not serve during an election period if a member of the registrar's immediate family is a candidate for office in the electoral division in which the registrar serves. The clarification states that the election period is the time beginning when the immediate family member becomes a candidate up until the election. The amendment also removes provisions in the bill regarding change of enrollment in a party including a provision that would require a replacement candidate to be enrolled in the same party as the person that candidate is replacing on the day that candidate is nominated. The amendment also removes a provision that would have the warden reject an absentee ballot that was given to a voter from a different district and replaces it with a provision that allows the correct portions of the ballot to be counted but requires it to be challenged for the purposes of a subsequent recount or disputed election. This amendment removes a section of current law that would prohibit the counting of absentee ballots of voters who die after submitting the ballot. The amendment also sets up a system for municipalities that wish to process absentee ballots the day before election day. Additionally, the amendment changes the date of the implementation of an early voting pilot program from November 2008 to November 2007. Finally, the amendment also removes a provision in the bill that would have reclassified certain crimes related to citizen initiative and referendum provisions from Class E to Class D crimes.

FISCAL NOTE REQUIRED
(See attached)