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An Act Regarding the Central Voter Registration System

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

Whereas, the Maine Revised Statutes, Title 21-A governs the conduct of statewide elections in the State, including requirements for use and distribution of information from the central voter registration system; and

Whereas, changes to the requirements for the central voter registration system must be in place as soon as possible in order for the Secretary of State to properly administer these laws and produce statewide and district voter lists and files and for the municipal election officials to produce municipal voter lists and files for dissemination to the public in support of campaigns for federal, state and local offices; and

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

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

Sec. 1. 21-A MRSA §195, as amended by PL 2005, c. 453, §44, is further amended to read:

§ 195. Report

The Secretary of State shall report annually, by March 1st, to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the ~~progress of the implementation of the administration of the~~ central voter registration system developed pursuant to this subchapter. The report may include public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The report may include suggested legislation necessary to ~~implement or~~ administer the central voter registration system. The committee may report out legislation regarding the central voter registration system to the Legislature during the First Regular Session of the 121st Legislature and any subsequent Legislature.

Sec. 2. 21-A MRSA §196, as enacted by PL 2005, c. 404, §2 and amended c. 568, §10, is further amended to read:

§ 196. Use and distribution of central voter registration information

For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any printed reports generated by the system that contain both the name of a voter and that voter's ~~voter identification or~~ voter record number are confidential and may be accessed only by municipal and state election officials except as provided in this section.

1. Individual voter records. An individual voter may obtain a copy of any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of State. The following information must be made available to the individual voter upon request and free of charge: the voter's name, residence address, mailing address, enrollment status, electoral district, date of birth, voter record number, ~~signature~~ and voter status and any voter identification numbers; the last election in which the voter participated; any designation that the voter cast a challenged or absentee ballot in the last election; and any special designation indicating whether the voter is a uniformed service voter, an overseas voter or township voter. The voter may obtain copies of any additional information in the voter's registration record within the central voter registration system for a fee of \$1 for the first page and 25¢ per page for any additional pages.

2. Voter lists or reports identifying voters. A person may purchase a list or report of voter information containing some or all of the information from the central voter registration system by making a request to the Secretary of State or to a municipal registrar if the information requested concerns voters in that municipality. The Secretary of State or the municipal registrar shall make available the following information, subject to the fees set forth in subsection 4 and the restrictions on use and redistribution of data set forth in subsection 7: the voter's name, residence address, mailing address, date of birth, enrollment status, electoral district, voter status, the date of registration or the date of change of the voter record if applicable, voter participation in previous elections including whether the voter cast a challenged or absentee ballot, ~~and voter record number, any voter identification numbers and any special designations indicating uniformed service voters, overseas voters or township voters.~~ In addition, municipal clerks or registrars shall make available upon request the list of persons who requested or were furnished absentee ballots created and maintained pursuant to section 753-B subject to the fees set forth in subsection 4 for printed lists and free of charge for electronic lists.

3. Other reports. Any other reports generated from the central voter registration system, including reports that contain both the name of a voter and that voter's ~~voter identification number or voter record number~~ that indicate whether the voter has voted or changed enrollment status, may be obtained from the Secretary of State upon request, or from a municipal registrar if the information requested concerns voters in that municipality, subject to the fees set forth in subsection 4 of this section but not subject to the restrictions on use and redistribution of data in subsection 7.

4. Fees. ~~The fee for information provided pursuant to this section in electronic form is 5¢ per record for up to 100 records and 1¢ per record for any additional records requested. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 50¢ per page. For the purpose of calculating fees pursuant to this section, a record includes the information on one individual voter. Fees paid to the Secretary of State must be deposited into a dedicated fund to offset the cost of providing the information and maintaining the central voter registration system. Municipalities~~ A municipality may provide any of the information contained in the incoming voting list to requestors free of charge ~~keep the fees paid to the municipality. The fee for information provided pursuant to this section is as follows:~~

A. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 75¢ per page; and

B. The fee for information provided in electronic form is based on the number of records requested. The fee entitles the requestor to receive the initial electronic report or file and, upon request, up to 4 updates free of charge during the subsequent 12-month period, except that no more than one free update may be requested during the 30 days prior to an election. The fee schedule is as follows:

- (1) For 900,001 or more voter records, \$2,000;
- (2) For 600,001 to 900,000 voter records, \$1,500;
- (3) For 400,001 to 600,000 voter record, \$1,000;
- (4) For 250,001 to 400,000 voter records, \$750;
- (5) For 150,001 to 250,000 voter records, \$500;
- (6) For 100,001 to 150,000 voter records, \$250;
- (7) For 75,001 to 100,000 voter records, \$200;
- (8) For 50,001 to 75,000 voter records, \$165;
- (9) For 35,001 to 50,000 voter records, \$125;
- (10) For 25,001 to 35,000 voter records, \$75;
- (11) For 15,001 to 25,000 voter records, \$50;
- (12) For 7,501 to 15,000 voter records, \$30;
- (13) For 1,001 to 7,500 voter records, \$20; or
- (14) For 1 to 1,000 voter records, \$10.

Municipalities may provide any of the information contained in the incoming voting list to requestors free of charge.

5. Supplemental information for candidates. Any candidate in a primary or general election for a state or federal office who has purchased a list or report of voter information ~~for registered voters in that municipality~~ from the central voter registration system pursuant to this section is entitled to obtain a list of all additions, deletions and changes to the purchased list or report for the following periods of time upon request and free of charge, except that the candidate may not request or receive the free updates more than once per 30-day period.

A. A candidate in a primary election is entitled to the list of additions, deletions and changes under this subsection from the time of becoming a declared candidate in that primary election until the day of the primary election. A candidate who is nominated in that primary election to be a candidate in the general election is entitled to those additions, deletions and changes from the day of the primary until the day of the general election.

B. A candidate in a general election is entitled to the list of additions, deletions and changes under this subsection from the time of becoming a declared candidate in that general election until the day of the general election.

6. Response to requests. Municipal registrars and the Secretary of State's office shall respond to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal registrar may only provide information concerning voters registered within that municipal jurisdiction. The Secretary of State may design a form to be used for public requests for information or lists from the central voter registration system.

7. Restrictions on use and redistribution of data. Information obtained from the central voter registration system pursuant to this section may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign ~~as defined in section 1052~~. Any person obtaining information from the central voter registration system is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the dates of birth or mailing addresses of individual voters. This subsection does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign ~~as defined in section 1052~~. This subsection also does not prohibit private vendors from using information obtained from the central voter registration system to perform services for a political party, "get out the vote" effort or campaign. For purposes of this subsection, "campaign" has the same meaning as in section 1052.

8. Limited access for law enforcement purposes. Any information pertaining to individual voters, other than Address Confidentiality Program participants, that is contained in the central voter registration system may be made available free of charge to a law enforcement officer or agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. Information pertaining to individual voters who are

Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information.

9. Secretary of State to report. ~~By March 15, 2007, the Secretary of State shall issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters, including suggested legislation, with regard to public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The committee is authorized to introduce legislation based on information contained in the report to the First Regular Session of the 123rd Legislature.~~

10. Disclosure of address. A voter's address that is excluded from public inspection pursuant to section 22, subsection 3, paragraph B may be made available free of charge to a law enforcement officer or agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

This section is repealed September 30, ~~2007~~2009.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill is a Joint Standing Committee on Legal and Veterans Affairs bill pursuant to joint order. It amends the laws governing the central voter registration system by consolidating 2 reports due annually in March to the joint standing committee of the Legislature having jurisdiction over voter registration. It amends the fee system for the purchase of electronic records from the central voter registration system by reducing the cost and establishing new fees more in line with what other states charge for such records. Finally, in recognition of the delayed implementation of the central voter registration system, the bill extends the date of a sunset provision and allows for limited exceptions to the public records law by allowing some electronic data to be confidential.