

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 773 - L.D. 1977

An Act to Amend the Laws Governing Elections

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

Sec. 1. 21-A MRSA §1, sub-§10, as enacted by PL 1985, c. 161, §6, is amended to read:

10. Closed period. "Closed period" means that time period when the registrar may accept only those voter registration applications presented in person or transmitted pursuant to section 232 or 233 by the deadline specified in section 121-A.

Sec. 2. 21-A MRSA §121, sub-§1-A, as amended by PL 2023, c. 291, §1 and affected by §4, is repealed and the following enacted in its place:

1-A. Identification and proof. A person who registers in person shall show proof of identity and residency. If satisfactory proof of identity and residency cannot be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the ballot the person casts is a challenged ballot. If the person shows satisfactory proof of identity and residency prior to voting on election day, the person's ballot is not a challenged ballot.

Sec. 3. 21-A MRSA §121-A, as amended by PL 2023, c. 291, §2 and affected by §4, is repealed and the following enacted in its place:

§121-A. Deadline for registration

1. Registration deadline. The deadlines for receipt of voter registration applications are as follows:

- A. If submitted by mail or by a 3rd person, the close of business on the 21st day before election day;
- B. If submitted online, 5 p.m. on the 21st day before election day;
- C. If transmitted by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233, midnight on the 7th day before election day; and
- D. If submitted in person, the close of the polls on election day.

2. Closed period. The 20-day period before an election is the closed period. Except as otherwise provided in this subsection, the applicable registrar must receive a voter registration application before the start of the closed period in order for the applicant's name to appear on the incoming voter list for that election.

A. Notwithstanding the closed period, a person may qualify to vote in an election by registering to vote in person at any time before the close of the polls on election day.

B. Notwithstanding the closed period, a person may qualify to vote in an election by registering to vote through automatic voter registration under section 232 or section 233 no later than the 7th day before election day.

3. Notice required. An applicant who attempts to register to vote within 30 days of an election by any method other than in-person registration, online registration or automatic voter registration under section 232 or section 233 must be advised that the registrar might not receive the application before the closed period, but that the applicant may register in person any time before the close of the polls on election day.

4. Deadlines for transferring voter registration applications. The following provisions govern deadlines for transferring voter registration applications.

A. Outside agencies shall transfer voter registration applications to the Secretary of State within 5 days of receipt.

B. The Secretary of State shall transfer voter registration applications received from outside agencies to the appropriate registrar by the following deadlines:

(1) If the application is received 10 days or fewer before the start of the closed period, within 5 days of receipt;

(2) If the application is received more than 10 days before the start of the closed period, within 10 days of receipt; and

(3) If the application is received after the start of the closed period, within 10 business days after the election.

C. The Secretary of State shall transmit voter registration applications submitted online to the appropriate registrar by the next business day following receipt.

D. The Secretary of State shall transmit voter registration applications submitted to the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233 to the appropriate registrar by the next business day following receipt.

5. Registrar to send notice of disposition. The registrar shall send the notice of disposition required by section 122 no later than the 18th day before election day to all voters whose voter registration applications were submitted online, submitted by mail or submitted by a 3rd person as long as the registrar received the voter registration application by the 21st day before election day.

Sec. 4. 21-A MRSA §122, sub-§4, as amended by PL 2005, c. 453, §16, is further amended to read:

4. Election day registration. The registrar shall accept registrations of applicants who appear in person on election day. The registrar shall issue to each of these applicants a certificate entitling the applicant to be placed on the incoming voting list at the voting

place. Only one certificate may be issued to a person. An applicant whose address has changed since the applicant last voted must vote using the ballot or ballots for the new ~~polling~~ voting place, if applicable, on election day.

Sec. 5. 21-A MRSA §122, sub-§9, as amended by PL 2003, c. 395, §1, is further amended to read:

9. Regulation of registration monitors. Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of that intent. Anyone who wishes to monitor the names and addresses of persons who are registering at the ~~polling~~ voting place shall inform the registrar or clerk of that intent by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may stand. The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear voice. A person monitoring registrations shall direct any questions the person has to the registrar or clerk. These questions must be limited to information pertinent to the qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. A ~~polling~~ voting place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22. A monitor may not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to be inhibited, the warden may request a reduction in the number of monitors present in the ~~polling~~ voting place. A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.

Sec. 6. 21-A MRSA §129, sub-§3, as amended by PL 2011, c. 534, §8, is further amended to read:

3. Failure to notify. If a voter fails to notify the registrar of a change of name or change of address before election day, the voter must appear before the registrar on election day and follow the procedure outlined in section 661 if the voter wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 128. If the voter wishes to exercise the right to vote, the voter must vote using the ballot or ballots for the new ~~polling~~ voting place, if applicable, on election day.

Sec. 7. 21-A MRSA §144, sub-§5 is enacted to read:

5. Holidays. If the 15th day before a primary election is a holiday, the registrar shall deem any change of enrollment submitted on the next business day to be received on the 15th day before the election for purposes of this section.

Sec. 8. 21-A MRSA §145, sub-§5 is enacted to read:

5. Holidays. If the 15th day before a primary election is a holiday, the registrar shall deem any withdrawal of enrollment submitted on the next business day to be received on the 15th day before the election for purposes of this section.

Sec. 9. 21-A MRSA §181, sub-§1, ¶B, as amended by PL 2021, c. 398, Pt. OO, §3, is further amended to read:

B. Outside agencies, or their successors, which include the following:

~~(1) All state agencies that provide public assistance, including the Department of Health and Human Services and the The offices within the department Department of Health and Human Services that provide assistance under the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B, the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966, the federal Medicaid program and the statewide Supplemental Nutrition Assistance Program under Title 22, section 3104; administer:~~

- ~~(a) The Temporary Assistance for Needy Families program under Title 22, chapter 1053-B;~~
 - ~~(b) The Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966;~~
 - ~~(c) The federal Medicaid program;~~
 - ~~(d) The Children's Health Insurance Program under Title 22, section 3174-T;~~
 - ~~(e) The transitional child care services under a program of transitional support services under Title 22, section 3762;~~
 - ~~(f) The transitional transportation benefits under a program of transitional support services under Title 22, section 3762;~~
 - ~~(g) The Higher Opportunity for Pathways for Employment Program under Title 22, section 3790-A;~~
 - ~~(h) The Bridging Rental Assistance Program under Title 34-B, section 3011;~~
 - ~~(i) A developmental services advocacy program administered by a statewide organization for disability rights;~~
 - ~~(j) A mental health advocacy program;~~
 - ~~(k) The children's advocacy centers; and~~
 - ~~(l) The statewide Supplemental Nutrition Assistance Program under Title 22, section 3104;~~
- (2) The uniformed service recruitment offices;
- (3) The public high schools;
- (4) The offices of municipal clerks and registrars; and
- (5) The offices within the Department of Labor, Bureau of Rehabilitation Services; and that administer:
- ~~(a) Vocational rehabilitation services;~~
 - ~~(b) Independent living services;~~
 - ~~(c) Deaf, hard of hearing and late deafened identification cards and vehicle placards; and~~
 - ~~(d) Deaf, hard of hearing and late deafened telecommunications equipment services.~~

~~(6) All state agencies that provide state-funded programs primarily engaged in providing services to persons with disabilities.~~

Sec. 10. 21-A MRSA §181, sub-§2, as enacted by PL 1993, c. 695, §20, is repealed.

Sec. 11. 21-A MRSA §196-A, sub-§1, ¶J, as enacted by PL 2021, c. 310, §2, is repealed.

Sec. 12. 21-A MRSA §196-A, sub-§1, ¶K is enacted to read:

K. A person may purchase, for the fee established in subsection 2, a voter file from the Department of the Secretary of State to evaluate, monitor or seek compliance with laws relating to voting rights, election administration and voter registration.

(1) A voter file purchased under this paragraph may contain the same data fields available to political parties and campaigns under paragraph B and may include data concerning cancelled voters for the period such data is retained in the central voter registration system.

(2) The following information is designated highly sensitive personal information and may not be included in a voter file purchased under this paragraph:

(a) A voter's full date of birth;

(b) A voter's social security number, tax identification number, driver's license number or any portion of these numbers;

(c) Any records or data concerning a voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program under Title 5, section 90-B;

(d) If a voter has submitted a signed statement to the registrar under section 22, subsection 3, paragraph B, the voter's residential address and mailing address if the mailing address is the same as or discloses the voter's residence address; and

(e) Any data relating to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

Sec. 13. 21-A MRSA §196-A, sub-§5, as enacted by PL 2021, c. 310, §4, is repealed.

Sec. 14. 21-A MRSA §196-A, sub-§6 is enacted to read:

6. Civil violations. The following uses of data from the central voter registration system are civil violations for which a fine of not more than \$1,000 may be adjudged for a first violation, and not more than \$5,000 may be adjudged for additional violations:

A. Any use of data from the central voter registration system for a commercial purpose;

B. Any use of data from the central voter registration system for solicitation, other than solicitation relating to a political party or a campaign as defined in section 1052, subsection 1;

C. Any sale or resale of data from the central voter registration system except as authorized in subsection 1, paragraph B and subsection 1, paragraph K;

D. Any use of data from the central voter registration system in violation of subsection 4; and

E. Any use of data from the central voter registration system purchased under subsection 1, paragraph B or subsection 1, paragraph K for purposes not authorized by those paragraphs.

Sec. 15. 21-A MRSA §303, sub-§1, ¶B, as amended by PL 1997, c. 436, §44, is further amended to read:

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

Sec. 16. 21-A MRSA §306, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§306. Enrolled voters

1. Voters enrolled in parties that fail to qualify. If the Secretary of State determines that a qualifying party has failed to meet the requirements of section 302 or 303, the Secretary of State must change the status of voters enrolled in that qualifying party in the central voter registration system to unenrolled.

2. Voters enrolled in qualified parties that are disqualified. Within 30 days of the Secretary of State's determination that a qualified party is disqualified under section 304, the disqualified party may file a written notice with the Secretary of State electing to retain its enrolled voters. The written notice must certify that the party intends to seek requalification by December 31st of the year of the next general election following disqualification.

A. If a notice is not timely filed by the disqualified party, the Secretary of State must change the status of voters enrolled in the disqualified party in the central voter registration system to unenrolled.

B. If a notice is timely filed by the disqualified party, the following procedures apply.

(1) The Secretary of State may not automatically change the status of voters enrolled in the disqualified party in the central voter registration system to unenrolled except as permitted by subparagraph (5). Voters enrolled in the disqualified party may continue to change or withdraw their enrollment subject to the requirements of section 144 and section 145.

(2) The Secretary of State may remove the party's name from electronic versions and future printings of the voter registration application, but voters may continue to enroll in the disqualified party by writing the party name into a write-in blank on the voter registration application.

(3) The disqualified party may request requalification by filing with the Secretary of State by December 31st of the year of the next general election following disqualification a certification that it has at least 5,000 voters enrolled in the party. The Secretary of State shall review the certification under the procedures in section 303, subsection 2, and the disqualified party may appeal an adverse determination under section 303-A. If restored to qualified status, the party must meet the requirements of section 301 to participate in subsequent primary elections and is

not considered a newly qualified party for purposes of section 301, subsection 1, paragraph E.

(4) In order to participate in a primary election under section 339, the disqualified party must file a valid certification under subparagraph (3) no later than January 2nd of the year of that primary election. In order to participate in a presidential primary election under section 441, the disqualified party must file a valid certification under subparagraph (3) no later than September 15th of the year before the presidential primary election.

(5) If the disqualified party fails to submit a valid certification under subparagraph (3) by December 31st of the year of the next general election following disqualification, the Secretary of State must change the status of voters enrolled in the disqualified party in the central voter registration system to unenrolled and voters may no longer enroll in the disqualified party. Prior to disenrolling voters under this subparagraph, the Secretary of State shall generate from the central voter registration system and provide to the statewide chair of the disqualified party an electronic file containing the names, mailing addresses and residential addresses of all voters who will be disenrolled from the disqualified party.

Sec. 17. 21-A MRSA §308 is enacted to read:

§308. Voluntary dissolution

A qualified or qualifying party may voluntarily relinquish its qualified or qualifying status by filing a written request with the Secretary of State signed by the statewide chair following an affirmative vote by the party's state committee to relinquish its qualified or qualifying status or, for a party without a state committee, signed by an authorized representative of the party. The Secretary of State shall change the enrollment status of all voters enrolled in the party to unenrolled within 30 days of receipt of the request and, if applicable, remove the party's name from electronic versions and future printings of the voter registration application.

Sec. 18. 21-A MRSA §335, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. By whom signed. A primary petition may be signed only by the voters of the electoral division ~~which~~ that is to make the nomination and who are either enrolled in the party named in the petition or, if the party so elects, unenrolled. Other signatures are void. A party may elect to allow unenrolled voters to sign nominating petitions following an affirmative vote by the party's state committee to allow unenrolled voters to sign nominating petitions or, for a party without a state committee, through a determination by an authorized representative of the party. A party must file a form with the Secretary of State no later than December 31st in the year before the primary election is to be held, except that, if the party files a certification under section 441 that there is a contest among candidates for nomination as the presidential candidate, a form must be filed no later than simultaneously with that certification. A party must make a single election for all primary elections held in that year.

Sec. 19. 21-A MRSA §335, sub-§7, ¶B, as amended by PL 2005, c. 453, §48, is further amended to read:

B. The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned shall certify which names on a petition appear in the central voter registration system as registered and enrolled voters in that municipality and may not certify any names that do not satisfy subsection 3. A municipality shall make a municipal official available to certify candidate petitions on the day of the deadline set forth in subsection 8.

Sec. 20. 21-A MRSA §336, sub-§4 is enacted to read:

4. Registrar certification required. The Secretary of State may not accept a candidate consent form unless it includes or is accompanied by the registrar certification required by section 334.

Sec. 21. 21-A MRSA §337, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Review. When presented with a primary petition, the Secretary of State shall review it and, if the petition contains the required minimum number of certified names and is properly completed, shall accept and file it. If a petition contains more valid signatures than the maximum set forth in section 335, subsection 5, the Secretary of State may not validate any signatures above the maximum.

Sec. 22. 21-A MRSA §337, sub-§2, as amended by PL 2011, c. 342, §9, is further amended to read:

2. Challenges. The procedure for challenging the validity of a primary petition or of names upon a petition is as follows.

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 5th business day after the final date for filing petitions under section 335, subsection 8.

B. Within 7 5 business days after the final date for filing challenges and after due notice of the hearing to the candidate and to the challenger, the Secretary of State shall hold a public hearing on any challenge properly filed. The challenger has the burden of providing sufficient evidence to invalidate the petitions or any names upon the petitions.

C. The Secretary of State shall rule on the validity of any challenge within 5 business days after the completion of the hearing described in paragraph B.

~~D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. This action must be commenced within 5 days of the date of the decision of the Secretary of State. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue a written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the decision of the Secretary of State.~~

E. Any aggrieved party may appeal the decision of the ~~Superior Court~~ Secretary of State to the Law Court, on questions of law, by filing a notice of appeal within 3 business days of that decision in the same manner as an appeal taken from a judgment of the Superior Court in a civil action. ~~The record on appeal must be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The court shall issue its decision within 14 days of the date of the decision of the Superior Court.~~ The appeal must be conducted in accordance with the following procedures.

(1) Any person who participated in the hearing held under paragraph B, and who is adversely affected by the final decision of the Secretary of State, is considered a party for purposes of taking an appeal. The court may allow other parties to the hearing before the Secretary of State to participate in the appeal.

(2) When a law or rule regulating the taking of an appeal from the Superior Court in a civil action uses the terms "the court," "the clerk," "the clerk of the courts" or a similar term, for purposes of an appeal from the Secretary of State, those terms mean "the Secretary of State" or other appropriate term.

(3) The notice of appeal must be accompanied by a brief statement of the nature of the proceeding before the Secretary of State, a copy of the decision, order or ruling complained of, a statement of the grounds upon which the decision, order or ruling is claimed to be unlawful and a certificate that the attorney for the appellant is of the opinion that there is probable grounds for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.

(4) The Law Court has exclusive jurisdiction over appeals under this paragraph.

(5) Upon receipt of a notice of appeal under this paragraph, the court shall issue a scheduling order that allows for final disposition of the appeal no later than 35 days after the date of the decision by the Secretary of State.

(6) An appeal under this paragraph does not automatically stay the ruling on appeal. The Chief Justice or, in the Chief Justice's absence, any other justice may enjoin or stay the effect of the ruling upon the terms and conditions as the Chief Justice determines proper.

(7) Upon motion by a party filed within 3 days of the filing of the administrative record, the court may order additional evidence it determines necessary for the determination of issues to be taken before the Secretary of State upon the terms and conditions the court determines proper. A motion to take additional evidence must be accompanied by a detailed statement, in the nature of an offer of proof, of the evidence intended to be taken. The Secretary of State may, after hearing the evidence, modify or add findings as to facts and amend the original decision or order by reason of the additional evidence taken, and the Secretary of State shall file with the court that amended decision or order and those modified or new findings. If the Secretary of State modifies findings or amends the original decision or order, the appealing party or any other party aggrieved by the modified findings or amended decision or order may file with the court, within such time as the court may allow, a specification of errors claimed to have been made by the Secretary of

State in the amended decision or order, and the specification of errors must be considered by the court in addition to the errors asserted in the original complaint on appeal. Upon granting a motion to take additional evidence, the court shall establish deadlines that allow for final disposition of the appeal within 35 days of the Secretary of State's original decision.

(8) The clerk of the Law Court shall certify the result of the appeal to the Secretary of State no later than 35 days after the decision of the Secretary of State.

Sec. 23. 21-A MRSA §355, sub-§4 is enacted to read:

4. Registrar certification required. The Secretary of State may not accept a candidate consent form unless it includes or is accompanied by the registrar certification required by section 353.

Sec. 24. 21-A MRSA §356, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Review. When presented with a nomination petition, the Secretary of State shall review it and, if the petition contains the required minimum number of certified names and is properly completed, shall accept and file it. If a petition contains more valid signatures than the maximum set forth in section 354, subsection 5, the Secretary of State may not validate any signatures above the maximum.

Sec. 25. 21-A MRSA §356, sub-§2, as amended by PL 2011, c. 342, §10, is further amended to read:

2. Challenges. The procedure for challenging the validity of a nomination petition or of names upon a petition is as follows.

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State by 5 p.m. on the 5th business day after the final date for filing petitions under section 354, subsection 8-A.

B. Within 7 5 business days after the final date for filing challenges and after due notice of the hearing to the candidate and to the challenger, the Secretary of State shall hold a public hearing on any challenge properly filed. The challenger has the burden of providing evidence to invalidate the petitions or any names upon the petitions.

C. The Secretary of State shall rule on a challenge within 5 business days after the completion of the hearing described in paragraph B.

~~D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. This action must be commenced within 5 days of the date of the decision of the Secretary of State. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petition, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the decision of the Secretary of State.~~

E. Any aggrieved party may appeal the decision of the Superior Court Secretary of State to the Law Court, on questions of law, by filing a notice of appeal within 3 business days of that decision in the same manner as an appeal taken from a judgment of the Superior Court in a civil action. The record on appeal must be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The court shall issue its decision within 14 days of the date of the decision of the Superior Court. The appeal must be conducted in accordance with the following procedures.

(1) Any person who participated in the hearing held under paragraph B, and who is adversely affected by the final decision of the Secretary of State, is considered a party for purposes of taking an appeal. On motion, the court may allow other parties to the hearing before the Secretary of State to participate in the appeal.

(2) When a law or rule regulating the taking of an appeal from the Superior Court in a civil action uses the terms "the court," "the clerk," "the clerk of the courts" or a similar term, for purposes of an appeal from the Secretary of State, those terms mean "the Secretary of State" or other appropriate term.

(3) The notice of appeal must be accompanied by a brief statement of the nature of the proceeding before the Secretary of State, a copy of the decision, order or ruling complained of, a statement of the grounds upon which the decision, order or ruling is claimed to be unlawful and a certificate that the attorney for the appellant is of the opinion that there is probable grounds for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.

(4) The Law Court has exclusive jurisdiction over appeals under this paragraph.

(5) Upon receipt of a notice of appeal under this paragraph, the Law Court shall issue a scheduling order that allows for final disposition of the appeal no later than 35 days after the date of the decision by the Secretary of State.

(6) An appeal under this paragraph does not automatically stay the ruling on appeal. The Chief Justice or, in the Chief Justice's absence, any other justice may enjoin or stay the effect of the ruling upon the terms and conditions as the Chief Justice determines proper.

(7) Upon motion by a party filed within 3 days of the filing of the administrative record, the court may order additional evidence it determines necessary for the determination of issues to be taken before the Secretary of State upon the terms and conditions the court determines proper. A motion to take additional evidence must be accompanied by a detailed statement, in the nature of an offer of proof, of the evidence intended to be taken. The Secretary of State may, after hearing the evidence, modify or add findings as to facts and amend the original decision or order by reason of the additional evidence taken, and the Secretary of State shall file with the court that amended decision or order and those modified or new findings. If the Secretary of State modifies findings or amends the original decision or order, the appealing party or any other party aggrieved by the modified findings or amended decision or order may file with the court, within such time as the court may allow, a specification of errors claimed to have been made by the Secretary of

State in the amended decision or order, and the specification of errors must be considered by the court in addition to the errors asserted in the original complaint on appeal. Upon granting a motion to take additional evidence, the court shall establish deadlines that allow for final disposition of the appeal within 35 days of the Secretary of State's original decision.

(8) The clerk of the Law Court shall certify the result of the appeal to the Secretary of State no later than 35 days after the decision of the Secretary of State.

F. Only a voter of the county establishing a charter commission may challenge the nomination petition for county charter commission member. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 55th day following the order of the county officers under Title 30-A, section 1321, subsection 1, or the receipt of a certificate of sufficiency under Title 30-A, section 1321, subsection 4.

Sec. 26. 21-A MRSA §363, first ¶, as amended by PL 2019, c. 636, §2, is further amended to read:

The meeting of a political committee as required by sections 371, 374-A, 375-A, 381, 382, 392 and 393 is governed by the following provisions.

Sec. 27. 21-A MRSA §375-A is enacted to read:

§375-A. Presidential and vice-presidential electors nominated by qualified parties

If a party's candidate for presidential elector certified to the Secretary of State under section 322, subsection 2 dies, withdraws or becomes disqualified, the vacancy may be filled by a new presidential elector if the following conditions are met:

1. Written resignation. A written resignation is filed with the Secretary of State by the previous presidential elector, if the mental and physical condition of the elector allows; and

2. Compliance with requirements. The state committee and replacement candidate comply with the requirements of section 363 prior to election day.

This section does not apply to a vacancy as described in section 804.

Sec. 28. 21-A MRSA §392, sub-§2 is enacted to read:

2. Extraordinary circumstances. If the Speaker of the United States House of Representatives announces under 2 United States Code, Section 8 that vacancies in the representation from the States in the House exceed 100, the Governor's proclamation under this section may not provide for a primary election but must instead provide for the nomination of candidates by political committee under sections 363 and 365, by petition under subchapter 2 and by declared write-in under section 722. The proclamation must establish deadlines as may be necessary to hold the special election within the time required by 2 United States Code, Section 8.

Sec. 29. 21-A MRSA §601, sub-§2, ¶B-1, as amended by PL 2017, c. 402, Pt. C, §40 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

B-1. The candidate's name listed on the ballot must be the one approved by the Probate Court, pursuant to Title 18-C, section 1-701, or, in the absence of an applicable court order, the name consistently used by the candidate during the past 2 years in filings

with governmental agencies and in the transaction of public business, including without limitation transactions relating to voter registration; motor vehicle registrations; driver licenses; a passport; professional licenses; local, state or federal permits of any kind; public benefit programs; and veterans' benefits and social security. Any request by a candidate to list that candidate's name on the ballot in a manner that differs from the name that appears on the candidate's consent form must be received by the Secretary of State no later than 70 days prior to the election. If requested by the Secretary of State when there is a question concerning which name should be listed on the ballot, it is the obligation of the candidate to provide documentation to demonstrate consistent use of a particular name.

Sec. 30. 21-A MRSA §605-A, sub-§2, ¶F is enacted to read:

F. The Secretary of State may prepare other neutral instructional materials and posters the Secretary of State determines necessary to assist voters.

Sec. 31. 21-A MRSA §610, sub-§1, as enacted by PL 2021, c. 635, Pt. ZZ, §1, is repealed.

Sec. 32. 21-A MRSA §610, sub-§2, as enacted by PL 2021, c. 635, Pt. ZZ, §1, is amended to read:

2. Log of ~~public concerns~~ alleged violations. The Secretary of State shall implement a system for collecting and logging ~~concerns from members of the public regarding the conduct of elections~~ reports from residents of this State of alleged violations of this Title related to the conduct of statewide or federal elections. The log must ~~describe each concern and any action taken to address the concern~~ categorize reported alleged violations and, if applicable, any action taken to address the alleged violation. Instructions for reporting ~~concerns~~ alleged violations under this subsection must be posted at all polling places ~~and included in the guide produced under subsection 1.~~

Sec. 33. 21-A MRSA §610, sub-§3, ¶A, as enacted by PL 2021, c. 635, Pt. ZZ, §1, is amended to read:

A. A summary of the ~~election-related concerns~~ alleged violations of this Title related to the conduct of statewide or federal elections received and logged under subsection 2;

Sec. 34. 21-A MRSA §610, sub-§3, ¶D, as enacted by PL 2021, c. 635, Pt. ZZ, §1, is amended to read:

D. Recommendations for remedying any problems identified in the election process at the state ~~or local~~ level.

Sec. 35. 21-A MRSA §621-A, sub-§1, as amended by PL 2003, c. 584, §7, is further amended to read:

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 ~~21~~ days immediately before election day and at each voting place on election day.

Sec. 36. 21-A MRSA §627, sub-§4, as amended by PL 2007, c. 455, §24, is repealed and the following enacted in its place:

4. Minimum size of voting place; complaint to Secretary of State. The following provisions govern the minimum size of voting places.

A. A municipality shall provide a voting place large enough to allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher as provided in section 683, subsection 1.

B. If the chair of any party's state committee submits a written complaint to the Secretary of State at least 90 days before an election, the Secretary of State shall authorize an inspection of the voting place considered to be too small to allow access for party workers. If the Secretary of State finds a voting place to be too small to allow access for party workers, the Secretary of State shall instruct the municipal officers to change the location of the voting place to one of a suitable size.

Sec. 37. 21-A MRSA §629, sub-§1, ¶A-1, as amended by PL 2007, c. 455, §25, is further amended to read:

A-1. In every election, the municipal officers shall provide at least one voting booth in each voting place that is accessible for persons with disabilities. The accessible voting booth may be used to meet the minimum requirements under paragraph A, except that it may not be the only voting booth used at the ~~polling~~ voting place.

Sec. 38. 21-A MRSA §629, sub-§4, as amended by PL 2007, c. 455, §26, is further 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 sample ballot at the clerk's own discretion. The voting station provided by the State along with the accessible voting device may be used to meet the requirements of this subsection. The voting station may not be used at the ~~polling~~ voting place for purposes other than voting.

Sec. 39. 21-A MRSA §662, sub-§4, as amended by PL 1995, c. 459, §57, is repealed.

Sec. 40. 21-A MRSA §681, as amended by PL 2023, c. 304, Pt. A, §9, is further amended by amending the section headnote to read:

§681. Positions at polling voting place

Sec. 41. 21-A MRSA §681, sub-§4, as amended by PL 2023, c. 304, Pt. A, §9, is further amended to read:

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

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

Sec. 42. 21-A MRSA §682, sub-§3, as amended by PL 2019, c. 371, §22, is further amended to read:

3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges ~~or~~, stickers or apparel containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate for an office or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

B. ~~Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising as provided in section 683, subsection 3.~~

Sec. 43. 21-A MRSA §683 is enacted to read:

§683. Regulated activities at voting place

Certain activities at the voting place on election day are regulated as follows.

1. Pollwatching. The warden shall allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher. If the municipality uses an incoming voting list for a voting place that is divided into separate segments by voting district or by the alphabetic listing of voters' names, the warden must allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher at each separate segment of the voting list.

2. Signature gathering. The warden may select and designate a specific location at the voting place, accessible and observable by the voters, where the collection of signatures may take place. Persons collecting signatures at the polls may make arrangements with the clerk prior to election day and with the warden on election day. The warden may limit the number of persons collecting signatures to one for each specific question, candidate or issue. Persons collecting signatures may not solicit a voter's signature until the voter has completed voting. The warden may limit or disallow signature gathering as may be necessary to prevent violations of section 682. The warden may direct the removal, under section 662, subsection 2, paragraph A, of any person collecting signatures who does not comply with the requirements of this subsection.

3. Charitable activities. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to

election day. If arrangements are not made in advance of election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

4. Party workers and observers. The warden may allow the presence outside the guardrail enclosure of party workers in addition to those authorized by subsection 1 and other observers if there is sufficient space at the voting place. If the space at the voting place is so limited that the presence of the additional party workers and other observers would interfere with the election process, the warden shall prohibit their presence.

5. Photography and video recording. A person video recording or engaging in still photography in the voting place or in the location where voter registration is occurring must remain outside the guardrail enclosure and may not conduct video recording or still photography closer than 15 feet from a voter being video recorded or photographed, including when a voter is where a person is collecting voters' signatures, except that a person may take a still photograph that depicts only the person taking the photograph. A person who video records or photographs a voter in violation of this subsection may be removed from the voting place by the municipal clerk at the recommendation of the warden as provided in section 662, subsection 2.

6. Registration and enrollment drives. Except for the registrar, clerk or other municipal official authorized to accept and process voter registration applications, a person may not distribute or collect voter registration applications inside the voting place or on public property within 250 feet of the entrance to the voting place.

7. Other prohibited activities. If a person attempts to influence voters or interfere with their free passage, the warden shall have the person removed from the voting place.

Sec. 44. 21-A MRSA §722-A, as amended by PL 2023, c. 304, Pt. A, §13, is repealed and the following enacted in its place:

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

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

2. Additional requirement for presidential candidates. To be considered a declared write-in candidate for President, a person must also file with the Secretary of State on or before the deadline specified in subsection 1 a consent form under section 355 signed by the candidate for presidential elector who may receive votes for the declaring presidential candidate under section 801, subsection 1. The designated presidential elector candidates must meet the requirements of section 352.

Sec. 45. 21-A MRSA §753-A, sub-§1, as amended by PL 2003, c. 407, §23, is further amended to read:

1. Applications available. On request, the clerk shall furnish a reasonable number of absentee ballot applications to any person, ~~except that an.~~ An application may not be furnished more than 2 months before a primary election for which the application will be used or more than 3 months before the any other election for which the application will be

used. This subsection does not apply to a uniformed service voter or an overseas voter who requests an absentee ballot under this subchapter.

Sec. 46. 21-A MRSA §753-B, sub-§5, as amended by PL 2023, c. 176, §1, is further amended to read:

5. Alternate method of absentee voting by residents of certain licensed facilities. Residents of certain nursing homes, residential care facilities ~~and~~, assisted living facilities, mental health residential facilities, residential facilities for individuals with intellectual disabilities and state mental health institutes may cast absentee ballots under the provisions of this subsection. This subsection applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed level IV residential care facility with more than 6 beds subject to the provisions of Title 22, chapter 1664; ~~and~~ a licensed assisted living facility with more than 6 beds subject to the provisions of Title 22, chapter 1664; a mental health residential facility with more than 6 beds licensed under Title 34-B, section 1203-A; a residential facility for individuals with intellectual disabilities with more than 6 beds licensed under Title 34-B, section 1203-A; and a state mental health institute specified in Title 22-A, section 208. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

A. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each facility to which this subsection applies in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each facility of the date and time when absentee voting will be conducted. The notice must state that the facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each facility shall provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

B. To protect public health, the Secretary of State may designate procedures for conducting absentee voting for the residents of a facility to which this subsection applies that differ from the procedures described in paragraph A if:

- (1) The Department of Health and Human Services declares a health emergency under Title 22, section 802, subsection 2;
- (2) The Governor declares an extreme public health emergency under Title 22, section 802, subsection 2-A;
- (3) The Department of Health and Human Services determines that a public health threat, as defined in Title 22, section 801, subsection 10, threatens the health, welfare or safety of the municipal clerk or the residents of a facility described in this subsection; or

(4) A facility described in this subsection prohibits the municipal clerk from entering the facility.

Procedures designated under this paragraph remain in effect for the duration of the health emergency, extreme public health emergency or public health threat or for as long as the municipal clerk remains prohibited from entering the facility, as the case may be.

Sec. 47. 21-A MRSA §759, sub-§8, as amended by PL 2023, c. 304, Pt. A, §29, is further amended by enacting after the first blocked paragraph a new blocked paragraph to read:

If there are multiple requests for inspection under this subsection, the warden may reasonably limit the time and manner of inspection by each member of the public and may give priority to requests for inspection by authorized representatives of candidates and qualified parties.

Sec. 48. 21-A MRSA §760-B, sub-§3, as amended by PL 2023, c. 304, Pt. A, §32, is further amended to read:

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 4:00 p.m. on the day prior to each day that the clerk will process absentee ballots as specified on the notice of early processing under subsection 2. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of early processing for processing the absentee ballots. If there are multiple requests for inspection, the clerk may reasonably limit the time and manner of inspection by each member of the public and may give priority to requests for inspection by authorized representatives of candidates and qualified parties. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed. The Secretary of State may adopt rules necessary for the inspection of absentee ballot applications and envelopes before they are processed. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 49. 21-A MRSA §801, sub-§1, as amended by PL 2001, c. 516, §17, is further amended to read:

1. Vote for presidential candidate construed. A vote for the candidate for President is a vote for the presidential electors nominated by the candidate's political party or by petition or designated by a write-in candidate under section 722-A, subsection 2.

Sec. 50. 21-A MRSA §803, as repealed and replaced by PL 2023, c. 628, §6, is amended to read:

§803. Duties of Governor

1. Duties. Except when the National Popular Vote for President Act governs the appointment of presidential electors, as soon as possible after the presidential electors are chosen and not later than the date that is 6 days before the time fixed for the meeting of the electors under section 804, the Governor shall send a certificate of ~~the determination~~ ascertainment of the appointment of electors to the Archivist of the United States ~~under state seal~~. The certificate must state the names of the electors and the number of votes each

candidate for President received statewide and for each congressional district in the final round of tabulation under section 723-A. The Governor shall deliver 6 duplicate-original certificates ~~under state seal~~ to the electors before the day established by federal law for the meeting of electors.

2. Duties when National Popular Vote for President Act governs. Notwithstanding subsection 1, when the National Popular Vote for President Act governs the appointment of presidential electors, the Governor has the following duties.

A. As soon as possible after the canvass of the presidential count under section 723-A, subsection 7 is determined and not later than the date that is 6 days before the time fixed for the meeting of the electors under section 804, the Governor shall send a certificate of ~~determination~~ ascertainment of appointment of electors containing the names of the electors and the statewide number of votes for each presidential slate that received votes in the final round to the Archivist of the United States ~~under state seal~~. This final round vote is deemed to be the determination of the vote in the State for the purposes of section 1304.

As used in this paragraph, "final round" means the round that ends with the result described in section 723-A, subsection 7, paragraph C, subparagraph (1).

B. No later than the day before the day established by federal law for the meeting of electors, the Governor shall deliver 6 duplicate-original certificates ~~under state seal~~ to the electors appointed as provided in the National Popular Vote for President Act.

3. Security features. All certificates of ascertainment of appointment of presidential electors issued under this section must bear the state seal and one additional security feature, as selected by the Secretary of State.

Sec. 51. 21-A MRSA §804, as amended by PL 1993, c. 447, §18, is further amended to read:

§804. Meeting in convention

The presidential electors shall convene in the House Chamber in Augusta at 2 p.m. on the first ~~Monday~~ Tuesday after the 2nd Wednesday of December following their election. If any electors are not present, the electors present shall fill the vacancy by majority vote.

Sec. 52. 21-A MRSA §805, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Certificate prepared and sent. The presidential electors shall make and subscribe to 6 certificates containing the number of votes cast separately for President and Vice President. They shall attach ~~one of the lists of electors furnished them by the Governor~~ to each certificate one of the certificates of ascertainment of appointment of electors delivered to them by the Governor under section 803. They shall seal each certificate of votes and attached ~~list~~ certificate of ascertainment of electors in an envelope ~~stating and certify on the envelope~~ that a certificate of the votes of this State for President and Vice President is contained inside.

Sec. 53. 21-A MRSA §812-A, sub-§1, as amended by PL 2007, c. 455, §52, is further amended to read:

1. Accessible voting system at each polling voting place. The Secretary of State, in compliance with the voting accessibility requirements of the federal Help America Vote

Act of 2002, shall provide one direct recording electronic voting machine, or other accessible voting system equipped for individuals with disabilities, for use at each polling voting place used in the conduct of state elections. Such machines must produce permanent paper records that provide a manual audit capacity for the machines and must also provide voters with audio functions that enable the voters to verify their ballots aurally before the votes are cast, and all such machines must meet the requirements of section 812, subsection 10 unless the Secretary of State is unable to procure machines that the Secretary of State determines are adequate to meet the requirements of this section and section 812 in time to comply with the Help America Vote Act of 2002.

Additional accessible voting machines may be used in the conduct of state elections, but those machines must meet the requirements set forth in section 812.

Sec. 54. 21-A MRSA §852, as amended by PL 2001, c. 516, §18, is further amended by amending the section headnote to read:

§852. Procedure at the polling voting place

Sec. 55. 21-A MRSA §852, sub-§1, as amended by PL 1997, c. 436, §118, is further amended to read:

1. Preparation for voting. Before the polls are opened, the election officials shall arrive at the polling voting 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 sample ballots and instructions to voters.

Sec. 56. 21-A MRSA §852, sub-§3, as amended by PL 1995, c. 459, §104, is further amended to read:

3. Depositing ballots in electronic voting device. After the voter has marked the ballot, the voter may ~~place the ballot inside the secrecy envelope provided to maintain the voter's confidentiality and~~ deposit the ballot in the electronic tabulating device. A voter may request the assistance of an election official if the voter has difficulty placing the ballot into the electronic tabulating device.

Sec. 57. 21-A MRSA §852, sub-§5, as amended by PL 2001, c. 516, §18, is repealed and the following enacted in its place:

5. Closing of polls. As soon as the polls have closed and the last qualified voter has voted, the warden shall proceed to supervise the counting of the ballots under the observation of the public. The following procedures must be followed.

A. The warden shall run the official tally tape from each electronic tabulating device and shall record the total votes from the tape on the tally sheet provided by the Secretary of State. The official tally tape must be signed by the warden and one election clerk from each of the major parties and must be packed in a tamper-proof ballot box with the other election materials pursuant to section 698, subsection 2-A. The warden shall run an additional copy of the tally tape to provide to the clerk with the tally sheets and the return of votes cast and may run additional copies of the tally tape to post for public review.

B. All unused ballots must be packaged and sealed pursuant to section 698, subsection 2-B for return to the municipal clerk.

C. The ballot box for the electronic voting device must be opened at the voting place and regular counted ballots placed in the tamper-proof ballot boxes.

D. All unread ballots requiring hand counting or ballots containing write-in votes that must be recorded on a tally sheet are counted by the election clerks and the tally sheets must be completed pursuant to section 695. If it appears that any ballot is damaged so that it cannot be properly counted by the electronic tabulating device, the ballot must be counted manually.

E. The election officials shall complete and sign the other election forms as provided in this Title and shall return the ballots and other materials to the clerk packed pursuant to section 698, subsections 2-A and 2-B and the incoming voting list packed pursuant to section 698, subsection 3.

Sec. 58. 21-A MRSA §854, as amended by PL 2011, c. 342, §30, is further amended to read:

§854. Test of electronic tabulating equipment

The clerk shall have the electronic tabulating equipment tested prior to the polls opening to ascertain that it accurately counts the votes cast for all offices and on all measures. The test must be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure. In the presence of one or more witnesses, the clerk shall clearly mark each ballot used for testing with the word "TEST" across the front side of the ballot in ~~black or blue~~ red indelible ink. The test must include one or more ballots that have votes for each office in excess of the number allowed by law in order to test the ability of the electronic tabulating equipment to reject those votes. In this test, valid votes must be assigned to each candidate for an office and for and against each measure. If any error is detected, the cause for the error must be ascertained and corrected and an errorless count must be made and certified by the clerk before the polls open on election day. The test ballots, the hand tally and the tapes generated as a result of the tests must be packed and sealed in a container labeled "Test Ballots." The container must remain sealed for at least 2 months after the election, unless needed for recount purposes. The tests provided for in this section must be open to the public.

Sec. 59. Retroactivity. The Secretary of State may apply that section of this Act that enacts the Maine Revised Statutes, Title 21-A, section 308 to valid requests received by the Secretary of State after January 1, 2024.