

STATE OF MAINE

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

—
H.P. 804 - L.D. 1126

An Act To Update the Voter Registration Process

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

Sec. 1. 21-A MRSA §1, sub-§27-D is enacted to read:

27-D. Online voter registration application. "Online voter registration application" means the electronic voter registration application form created by the Secretary of State pursuant to section 152 and available on the Secretary of State's publicly accessible website and through which, in accordance with the rules adopted under section 152, subsection 6, an individual may register to vote and enroll in a party or a registered voter may enroll in a party, change the voter's party enrollment, withdraw from a party or notify the appropriate registrar of voters of a change in the voter's name or address when the voter's name is changed due to marriage or other process of law or when the voter has moved within a municipality.

Sec. 2. 21-A MRSA §121, sub-§1-A, as amended by PL 2011, c. 534, §4, is further 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 30 days of an election must be advised that the registrar might not receive the application before the deadline for online, mail or 3rd-person registration set forth in section 121-A, but that the applicant may register in person no later than the deadline for in-person registration set forth in section 121-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications submitted online must be received by the Secretary of State by midnight on the 21st day before election day and must be transmitted to the appropriate registrar's office daily. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the

closed period for outside registrations. The registrar shall send the notice required by section 122 no later than the 18th day before election day to all voters whose applications were ~~received~~ submitted online, submitted by mail or submitted by a 3rd person as long as the registrar received the application by the 21st day before election day ~~no later than the 18th day before election day~~.

A person who registers in person shall 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 entered into the central voter registration system and placed on the incoming voting list and the person casts 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 challenged.

Sec. 3. 21-A MRSA §121-A, as enacted by PL 2011, c. 534, §5, is amended to read:

§121-A. Deadline for registration

The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for receipt of voter registration applications submitted online is midnight on the 21st day before election day. The deadline for in-person registration is the close of the polls on election day.

Sec. 4. 21-A MRSA §129, sub-§1, as corrected by RR 2019, c. 2, Pt. B, §37, is amended to read:

1. Notice. The voter must give written notice to the registrar of the voter's new and former names or addresses before the close of registrations prior to election day or provide notice through the online voter registration application.

Sec. 5. 21-A MRSA §130, as amended by PL 2011, c. 534, §9, is further amended to read:

§130. Applications for voter registration

A person who completes a written or online voter registration application, as provided in section 152, may submit the application online, mail the application or have the application delivered to the registrar in the person's municipality of residence before the deadline for online, mail or 3rd-person registrations in section 121-A, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5 may be delivered during the closed period for immediate placement on the incoming voting list.

Sec. 6. 21-A MRSA §142, first ¶, as amended by PL 1989, c. 313, §3, is further amended to read:

A voter who had initially chosen not to enroll in a particular party may later enroll in a party by filing an application with the registrar personally, or by mail or otherwise by submitting an online voter registration application, at any time, except that on election day a voter must enroll in person.

Sec. 7. 21-A MRSA §144, first ¶, as amended by PL 2017, c. 248, §1, is further amended to read:

A voter may change the voter's enrollment after 3 months from the date on which the voter enrolled by filing an application with the registrar personally, by mail or ~~otherwise~~

by submitting an online voter registration application. When a voter files an application to change enrollment on the day of a primary election, the application is deemed received the following business day.

Sec. 8. 21-A MRSA §144, sub-§1, as amended by PL 2017, c. 248, §2, is further amended to read:

1. Content of application. The application must contain the following information: Name of applicant, the date of birth, residence address, name of party in which enrollment is requested, signature of the applicant and the date of application. If the voter submits an online voter registration application, the applicant must meet the requirements of section 152, subsection 1, paragraph K to satisfy the signature requirement of this subsection.

Sec. 9. 21-A MRSA §145, first ¶, as amended by PL 2017, c. 248, §3, is further amended to read:

A voter may withdraw the voter's enrollment after 3 months from the date on which the voter enrolled through an online voter registration application or by filing a written request with the registrar. When a voter files an application to withdraw enrollment on the day of a primary election, the application is deemed received the following business day.

Sec. 10. 21-A MRSA §145, sub-§2, as amended by PL 2001, c. 310, §9, is further amended to read:

2. Reenrollment after withdrawal. A voter may not enroll in a different party but may enroll in the same party within 15 days after ~~filing a written request for withdrawal~~ withdrawing from a party under this section.

Sec. 11. 21-A MRSA §152, sub-§1, as amended by PL 2019, c. 409, §3 and affected by §9, is further amended to read:

1. Application. In addition to the procedures provided by section 122 and subchapter 9, a person may register to vote or enroll in a political party, or both, by completing ~~an~~ a written application that is designed by the Secretary of State or by submitting an online voter registration application. The application must include, but is not limited to:

- A. The legal name of the voter, in one of the following combinations:
 - (1) First name and last name;
 - (2) First initial, middle name and last name; or
 - (3) First name, middle name or middle initial and last name;
- B. Residence address, including street, street number, apartment number, town and zip code;
- C. Mailing address;
- D. Date of birth;
- F. Most recent prior residence where registered to vote, including the municipality, county and state, and the name under which previously registered, if changed;
- H. Notification that failure to complete the entire application may prevent registration;
- J. Date of application;

K. Signature of applicant collected in a way that ensures the quality and integrity of the signature. If the applicant submits an online voter registration application, the applicant satisfies the signature requirement of this paragraph by submitting a current, valid Maine driver's license number or nondriver identification card number or, if the applicant does not have a current, valid Maine driver's license or nondriver identification card, by submitting an electronic image of the applicant's signature;

L. Choice of political party if the applicant desires to enroll in a political party or an indication that the applicant chose not to enroll in a party;

M. A place for the ~~person's~~ applicant's current, valid Maine driver's license number or nondriver identification card number, if applicable; or, if the applicant has no Maine driver's license number or nondriver identification card, the last 4 digits of the ~~person's~~ applicant's social security number, if applicable; or, if the application is submitted in writing and the applicant has neither number, a place to put "none" or "not applicable"; and

N. A place for the applicant to respond to the questions concerning the voter's qualifications as required by the federal Help America Vote Act of 2002, Public Law 107-252-; and

O. A place for the applicant to attest to the truth of the information provided in the application.

Sec. 12. 21-A MRSA §152, sub-§5, as amended by PL 2003, c. 407, §9, is further amended to read:

5. Design of written application. The Secretary of State shall design the written application that meets the requirements of subsection 1. ~~The Secretary of State may design an application that can be completed electronically and that substantially meets the requirements of this section.~~

Sec. 13. 21-A MRSA §152, sub-§6 is enacted to read:

6. Design of online voter registration application; rulemaking. The Secretary of State shall design the online voter registration application that meets the requirements of subsection 1 and that can be submitted online through the Secretary of State's publicly accessible website. The online registration application must be designed to prevent an applicant from registering to vote unless the applicant discloses a current, valid Maine driver's license number or nondriver identification number or the last 4 digits of the applicant's social security number.

The Secretary of State shall adopt rules governing the online voter registration process, which must, at a minimum, include the following:

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

B. A process for an applicant who discloses the last 4 digits of the applicant's social security number to include with the online voter registration application an electronic image of the applicant's signature and for the applicant to consent to the use of that

electronic image of the applicant's signature for all purposes for which a signature on a written application for voter registration is used under this Title;

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

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

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

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

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

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

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

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Bureau of Administrative Services and Corporations 0692

Initiative: Provides one-time funding for contracted programming costs to implement online voter registration.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$259,000
GENERAL FUND TOTAL	\$0	\$259,000

Sec. 15. Effective date. This Act takes effect November 1, 2023.