

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 21-A MRSA §901-A, sub-§3 is enacted to read:

3. Unique identifier. The circulator of a petition shall affix a unique identifier to the top and bottom of each page of a petition. The Secretary of State shall include a space at the top and bottom of each page of the petition for the unique identifier. "Unique identifier" means the initials of the circulator and a number corresponding to the number of petitions circulated by that circulator.

Sec. 2. 21-A MRSA §902, 2nd ¶, as enacted by PL 1997, c. 581, §5, is amended to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C. The circulator of a petition must sign the petition and verify the petition by oath or affirmation as described in section 354, subsection 7, paragraph A prior to submitting of the petition to the registrar.

Sec. 3. 21-A MRSA §902-A is enacted to read:

§ 902-A. Copies of petitions required

The registrar, or clerk at the request or upon the absence of the registrar, shall make a copy of each petition submitted in accordance with section 902. If the registrar or clerk suspects that a petition was submitted in violation of any provision of this chapter, the registrar or clerk shall immediately notify the Secretary of State and provide a copy of the petition to the Secretary of State.

Sec. 4. 21-A MRSA §903-C is enacted to read:

§ 903-C. Direct initiative and people's veto petition organization required to be registered

A petition organization shall register with the Secretary of State in accordance with this section. For the purposes of this section, "petition organization" means a business entity that receives compensation for organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum.

1. Registration. Prior to organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum, a petition organization, in addition to meeting any other requirement to transact business in this State, shall register with the Secretary of State on a form prescribed by the Secretary of State. The registration form must include the following:

A. The ballot question or title of each direct initiative of legislation or people's veto referendum for which the petition organization will receive compensation;

B. Contact information for the petition organization, including the name of the petition organization, street address or post office box, telephone number and e-mail address; and

C. The name and signature of a designated agent for the petition organization.

The information contained in the registration must be made available for public inspection and must be posted on the publicly accessible website of the Secretary of State.

Sec. 5. 21-A MRSA §905, sub-§1, as repealed and replaced by PL 1993, c. 352, §2, is amended to read:

1. Secretary of State. The Secretary of State shall review all petitions filed in the Department of the Secretary of State for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under the Constitution of Maine, Article IV, Part Third, Section 18.

The Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 days after the final from the date for of filing the petition of a written petition in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

Sec. 6. 21-A MRSA §905, sub-§2, as amended by PL 1987, c. 119, §1, is further amended to read:

2. Superior Court. Any voter named in the application under section 901, or any person who has validly signed the petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action ~~shall~~ must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. In reviewing the decision of the Secretary of State, the court shall determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to his that voter's wishes. This action must be commenced within 510 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within 15 days of the date of that decision. 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 its written decision containing its findings of fact and stating the reasons for its decision within 30 days of the commencement of the trial or within 4540 days of the date of the decision of the Secretary of State, if there is no trial.'

SUMMARY

This amendment is the majority report of the committee and replaces the bill. The amendment requires a unique identifier on petitions for a direct initiative of legislation and people's veto referendum that comprises the circulator's initials and a sequential number representing the petitions circulated. It also requires that a petition must be signed and notarized prior to being submitted to a municipal clerk for

verification. It directs the clerk to make copies of all petitions submitted for verification by circulators. The amendment creates a registration requirement for petition organizations that are compensated to organize, supervise or manage the circulation of petitions for a direct initiative or people's veto. The amendment extends the amount of time that a person has to challenge the decision of the Secretary of State to reject or certify petitions from 5 to 10 days and reduces the number of days the Superior Court has to rule on the challenge from 45 to 40 days. Finally, the amendment makes a correction to the statute to comply with a 1998 Maine Supreme Judicial Court decision that denies the right of de novo trial to a person challenging the decision of the Secretary of State to reject or certify petitions. The amendment also makes the statute consistent with the Constitution of Maine, which allows for a total of 100 days for a final decision on the certification of a petition for a direct initiative or a people's veto.

FISCAL NOTE REQUIRED
(See attached)