

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

An Act To Amend Certain Laws Governing Elections

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

Sec. 1. 21-A MRSA §128, sub-§1, as amended by PL 2005, c. 453, §20, is further amended to read:

1. Registrar shall review records. The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly.

A. In addition to official records authorized by this subsection, the registrar or the Secretary of State may use the following notices of death as a basis to cancel a voter's record in the central voter registration system as long as the registrar or Secretary of State determines that the record matches the record of that registered voter.

(1) A published obituary may be used if it contains the name of the registered voter along with the date and place of death of that voter.

(2) A notice from an immediate family member of the registered voter may be used if it contains the name of the voter along with the date and place of death of that voter and is signed by the immediate family member. The Secretary of State shall design a form to be used for this purpose;

Sec. 2. 21-A MRSA §363, first ¶, as amended by PL 1993, c. 447, §3, is further amended to read:

The meeting of a political committee as required by sections 371, ~~373~~, 374-A, 381, 382 and 393 is governed by the following provisions.

Sec. 3. 21-A MRSA §365, first ¶, as amended by PL 2003, c. 510, Pt. A, §13, is further amended to read:

The political committee that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, ~~373~~, 374-A, 381 and 382 is as follows.

Sec. 4. 21-A MRSA §372, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 5. 21-A MRSA §373, as amended by PL 2001, c. 310, §23, is repealed.

Sec. 6. 21-A MRSA §374-A, sub-§1, as amended by PL 2015, c. 447, §12, is further amended to read:

1. Withdrawal and replacement of nominees. The Secretary of State shall declare the vacancy as provided in section 362-A and a political committee may make a replacement nomination following a candidate's withdrawal only if a person nominated for an office, ~~other than United States Senator, Representative to Congress or Governor,~~ at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general election in accordance with section 367;

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, as long as the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request that describes the illness, condition or injury and is signed by a licensed physician; or

C. Dies prior to the general election.

Sec. 7. 21-A MRSA §503-A, sub-§1, as enacted by PL 2019, c. 64, §2, is amended to read:

1. Qualifications; compensation. Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which they serve, except that residents of a municipality or county who are 16 or 17 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

Sec. 8. 21-A MRSA §711, sub-§3, as amended by PL 2007, c. 455, §39, is further amended to read:

3. Clerk to record file election return. The clerk shall ~~record the attested copies~~ file an attested copy of the election return with the Secretary of State within 32 business days after election day. If an attested copy of an election return is not delivered to the Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier an attested copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service.

Sec. 9. 21-A MRSA §712, as amended by PL 2019, c. 371, §25, is repealed.

Sec. 10. 21-A MRSA §760-B, sub-§2, as amended by PL 2019, c. 371, §38, is further amended to read:

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using a notice of early processing form provided by the Secretary of State, stating the days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of early processing to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or

as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day. The clerk shall post a copy of the notice of early processing with the notice of election as provided in section 621-A.

Sec. 11. 21-A MRSA §901, first ¶, as amended by PL 2009, c. 253, §57, is further amended to read:

To initiate proceedings for a people's veto referendum or the direct initiative of legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and 18, a voter shall submit a written application to the Department of the Secretary of State on a form designed by the Secretary of State. The application must contain the names, residence addresses, e-mail addresses, telephone numbers and signatures of 5 voters, in addition to the applicant, who are designated to receive any notices in proceedings under this chapter. The Secretary of State shall provide such notices by e-mail only. For a direct initiative, the application must contain the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative in both electronic and printed formats. The voter submitting the application shall sign the application in the presence of the Secretary of State, the Secretary of State's designee or a notary public.

SUMMARY

The bill makes the following changes to the election laws.

1. It provides 2 additional methods of notice of deceased voters that election officials can use to maintain their voter files.
2. It lowers the age of qualification to be an election official from 17 years of age to 16 years of age to correspond to a recent change in law that allows for the conditional registration of 16-year-olds.
3. It shortens the time that municipalities have to submit their official election returns to the Secretary of State from 3 business days to 2 business days after the election, and it moves the provision for sending a courier to retrieve delinquent returns to the same section of law as the filing requirement.
4. It adds a requirement that a clerk must post a copy of the notice of early processing of absentee ballots along with the notice of election.
5. It specifies additional information that must be provided on an application for a citizen's initiative or people's veto referendum and provides that notices must be provided to the applicants and other voters who are designated to receive notices by e-mail only.
6. It changes the withdrawal provisions for United States Senator, Representative to Congress and Governor to match those of other offices.