



126th MAINE LEGISLATURE

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Legislative Document

No. 504

S.P. 194

In Senate, February 19, 2013

An Act To Amend the Election Laws and Other Related Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TUTTLE of York.

Cosponsored by Representative LUCHINI of Ellsworth and

Senator: CAIN of Penobscot, Representatives: DILL of Old Town, FARNSWORTH of Portland, McCABE of Skowhegan, PETERSON of Rumford, RUSSELL of Portland, STUCKEY of Portland, TIPPING-SPITZ of Orono.

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

2 **Sec. 1. 5 MRSA §152**, as amended by PL 2011, c. 342, §3, is further amended to
3 read:

4 **§152. Ratification of bond issue; signed statement**

5 In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of
6 State shall prepare a signed statement, called the Treasurer's Statement, to accompany any
7 question submitted to the electors for ratification of a bond issue setting forth the total
8 amount of bonds of the State outstanding and unpaid, the total amount of bonds of the
9 State authorized and unissued and the total amount of bonds of the State contemplated to
10 be issued if the enactment submitted to the electors should be ratified. The Treasurer of
11 State shall also set forth in that statement an estimate of costs involved, including
12 explanation of, based on such factors as interest rates that may vary, the interest cost
13 contemplated to be paid on the amount to be issued, the total cost of principal and interest
14 that will be paid at maturity and any other substantive explanatory information relating to
15 the debt of the State as the Treasurer of State considers appropriate. To meet the
16 requirement that the signed statement of the Treasurer of State accompany any ballot
17 question for ratification of a bond issue, the statement may be printed on the ballot or it
18 may be printed as a separate document that is made available to voters as provided in
19 Title 21-A, sections ~~605~~ 605-A and 651.

20 **Sec. 2. 21-A MRSA §23, sub-§3**, as enacted by PL 1985, c. 161, §6, is amended
21 to read:

22 **3. Primary and nomination petitions.** The Secretary of State shall keep primary
23 petitions, nomination petitions and consents in ~~his office for 2 years~~ the office of the
24 Secretary of State through the end of the calendar year in which the petition was filed.

25 **Sec. 3. 21-A MRSA §23, sub-§3-B** is enacted to read:

26 **3-B. Party formation documents.** The Secretary of State shall keep party
27 formation declarations of intent and certification forms filed pursuant to section 303 in
28 the office of the Secretary of State for 6 months after any appeal period has passed.

29 **Sec. 4. 21-A MRSA §23, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended
30 to read:

31 **4. Receipts for ballots.** The Secretary of State and each clerk shall keep a record of
32 receipts for ballots issued and received under sections 606 and 651 in ~~his office~~ the office
33 of the Secretary of State for ~~one year~~ 6 months.

34 **Sec. 5. 21-A MRSA §23, sub-§12-A** is enacted to read:

35 **12-A. Informational filings.** The Secretary of State shall keep a copy of the
36 election-specific informational filings and reports received from the municipal clerks and
37 registrars in the office of the Secretary of State for 6 months after the election to which
38 they pertain, except that the return of votes cast report must be kept for 2 years.

1 **Sec. 6. 21-A MRSA §122, first ¶**, as amended by PL 2011, c. 534, §6, is further
2 amended to read:

3 A person may register to vote in person by appearing before the registrar by the
4 registration deadline in section 121-A, proving that the person meets the qualifications of
5 section 111, subsections 1 to 3, and completing and filing an application provided by the
6 registrar containing the information required by section 152 or 154, if applicable.
7 Township residents may register as provided in section 156.

8 **Sec. 7. 21-A MRSA §122, sub-§5**, as amended by PL 2007, c. 515, §3, is further
9 amended to read:

10 **5. Alternative registration schedule for absentee voters.** If the clerk receives a
11 properly completed absentee ballot application that is signed by a person who is not a
12 registered voter in the municipality, a presumption of the person's qualification as a voter
13 is established. The clerk shall send an absentee ballot to the voter at the address
14 indicated, along with a voter registration application under section 152. The completed
15 registration application must be returned to the clerk by the close of the polls on election
16 day in order for the ballot to be counted and may not be sealed with the voted absentee
17 ballot. If the application is received during the closed period and the registrar is not
18 satisfied as to the person's qualification as a voter, the registrar shall follow the
19 requirements of section 121, subsection 1-A to place the person's name on the incoming
20 voting list and challenge the absentee ballot. An application by telephone under section
21 753-A, subsection 4 or an application by ~~e-mail~~ electronic means under section 753-A,
22 subsection 6 does not establish a presumption of qualification under this section and the
23 requestor must submit a properly completed voter registration application before the clerk
24 may issue an absentee ballot.

25 **Sec. 8. 21-A MRSA §144, sub-§3**, as amended by PL 1995, c. 459, §16, is
26 further amended to read:

27 **3. Restrictions during change of enrollment.** Except as provided in subsection 4, a
28 voter may not vote at a caucus, convention or primary election for 15 days after filing an
29 application to change enrollment. A voter may sign a primary nomination petition during
30 the 15-day period after filing an application to change enrollment and the voter's
31 signature must be counted as valid, as long as the 15-day period has elapsed by the time
32 the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is
33 qualified to sign a petition for that office. A voter must file an application to change
34 enrollment prior to January 1st to be eligible to file a petition as a candidate in that
35 election year.

36 **Sec. 9. 21-A MRSA §161, sub-§2-A**, as amended by PL 2009, c. 370, §1, is
37 further amended to read:

38 **2-A. Maintenance of voter registration information.** The registrar in each
39 municipality shall keep the central voter registration system current at all times for the
40 voters in the registrar's municipality. The Secretary of State is authorized to conduct
41 maintenance of the central voter registration system. The Secretary of State shall ~~by rule~~
42 ~~determine the program~~ adopt rules for conducting voter list maintenance required by the

1 National Voter Registration Act of 1993. Rules adopted pursuant to this subsection are
2 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A registrar may
3 not cancel a voter's registration in the central voter registration system solely because the
4 registered voter did not vote in previous elections. A voter's registration record in the
5 central voter registration system must be cancelled by either the registrar for the voter's
6 municipality or by the Secretary of State as follows:

7 A. When it is determined that a voter has registered to vote in another jurisdiction in
8 the State, the voter registration record from the former jurisdiction must be cancelled;
9 and

10 B. When it is determined that the voter has registered to vote in another jurisdiction
11 outside of the State, the voter registration record in the State must be cancelled.

12 **Sec. 10. 21-A MRSA §196-A, sub-§1, ¶I** is enacted to read:

13 I. The Secretary of State shall make available free of charge to the federal or state
14 court system the voter registration information for voters, other than participants in
15 the Address Confidentiality Program established in Title 5, section 90-B, statewide or
16 by district as requested for the purpose of jury selection or other bona fide court
17 purposes.

18 **Sec. 11. 21-A MRSA §303**, as amended by PL 2001, c. 310, §16, is further
19 amended to read:

20 **§303. Formation of new party; organization by party enrollment**

21 In addition to the procedure under section 302, a party whose designation was not
22 listed on the general election ballot in the last preceding general election qualifies to
23 participate in a primary election; if it meets the requirements of subsections 1; and 2 ~~and~~
24 3.

25 **1. Declaration of intent.** Ten or more voters who are not enrolled in a party
26 qualified under section 301 must file a declaration of intent to form a party with the
27 Secretary of State between December 1st and December 30th of an even-numbered year.
28 The declaration of intent must be on a form designed by the Secretary of State and must
29 include:

30 A. The designation of the proposed party; and

31 B. The names, addresses, telephone numbers, if published, and signatures of the
32 voters who file the declaration of intent.

33 **2. Enrollment of voters.** ~~After filing~~ Within 5 business days after the declaration of
34 intent required in subsection 1 is filed, the voter or voters proposing to form the party
35 may then the Secretary of State shall certify whether the application meets the
36 requirements of subsection 1 and notify the applicants that they may enroll voters in the
37 proposed party under sections 141 to 145. On or before December 1st of the odd-
38 numbered year following the filing of the application under subsection 1, the applicants
39 must file a certification with the Secretary of State, on a form designed by the Secretary
40 of State, that they have at least 5,000 voters enrolled in the proposed party. The Secretary

1 of State shall verify the proposed party's enrollment figures within 5 business days of
2 receiving the proposed party's certification and notify the applicants whether the
3 proposed party has met the requirements to participate in a primary election in the
4 subsequent even-numbered year.

5 ~~3. Petition.~~ After the filing of the declaration described in subsection 1, the
6 Secretary of State or the Secretary of State's designee shall review the declaration and
7 determine the form of the petitions to be submitted to the voters. The voter or voters
8 proposing to form the party shall print the petitions in the form approved by the Secretary
9 of State and may then circulate the petitions. These petitions must be signed, verified and
10 certified in the same manner as primary petitions under section 335, subsections 3, 4 and
11 7, except that voters not enrolled in any party may also sign the petitions. Each page of
12 the petition must have a caption, in conspicuous type, that contains the designation of the
13 proposed party followed by the words "Petition to participate in the primary election."
14 The petitions must be filed in the office of the Secretary of State before 5 p.m. on the
15 180th day preceding a primary election and must contain the signatures and legal
16 addresses of voters equal in number to at least 5% of the total vote cast in the State for
17 Governor at the last preceding gubernatorial election. Petitions must be submitted to the
18 appropriate municipal registrar for certification by 5 p.m. on the 10th day before the
19 petition must be filed in the office of the Secretary of State or, if the 10th day is a
20 Saturday, Sunday or legal holiday, by 5 p.m. on the next day that is not a Saturday,
21 Sunday or a legal holiday. The registrar must complete the certification of the petitions
22 and must return them to the circulators or their agents within 5 days of the date on which
23 the petitions were submitted, Saturdays, Sundays and legal holidays excepted.

24 **4. Municipal caucuses.** A party that has qualified under subsections 1, ~~and 2 and 3~~
25 to participate in a primary election must conduct municipal caucuses in at least one
26 municipality in each of the 16 counties during that election year as prescribed in Article ~~H~~
27 2. The chair of the municipal committee or a resident voter in the municipality must file
28 a copy of the notice required by section 311, subsection 3 with the Secretary of State
29 before 5 p.m. on March 20th.

30 **5. Convention.** A party that has qualified under subsections 1, ~~and 2 and 3~~ to
31 participate in a primary election must in that same year conduct the municipal caucuses
32 under subsection 4 and hold a state convention as prescribed by Article ~~III~~ 3, in order to
33 have the party designation of its candidates printed on the ballot in the general election of
34 that year. The ~~voter or group of~~ voters who ~~files~~ file the declaration of intent may
35 perform the duties of the state committee under section 321, subsection 1 for the party's
36 initial convention.

37 **Sec. 12. 21-A MRSA §354, sub-§7, ¶B,** as amended by PL 1999, c. 264, §1, is
38 further amended to read:

39 B. Petitions must be delivered to the registrar, or clerk at the request or upon the
40 absence of the registrar, for certification by 5 p.m. on May 25th in the election year in
41 which the petitions are to be used, except that petitions for a slate of candidates for
42 the office of presidential elector must be delivered for certification by 5 p.m. on
43 ~~August 8th~~ July 25th in the election year in which the petitions are to be used.

1 **Sec. 13. 21-A MRSA §354, sub-§8-A**, as amended by PL 1999, c. 264, §2, is
2 further amended to read:

3 **8-A. Filed with the Secretary of State.** A nomination petition must be filed in the
4 office of the Secretary of State by 5 p.m. on June 1st in the election year in which it is to
5 be used, except that petitions for a slate of candidates for the office of presidential elector
6 must be filed in the office of the Secretary of State by 5 p.m. on August ~~15th~~ 1st in the
7 election year in which the petitions are to be used.

8 **Sec. 14. 21-A MRSA §503, sub-§2**, as amended by PL 2007, c. 422, §2, is
9 further amended to read:

10 **2. Representation of parties.** The municipal officers shall consider the following
11 for appointment as election clerks.

12 A. The municipal officers shall consider persons nominated by the municipal, county
13 or state committees of the major parties to serve as election clerks. The municipal
14 officers shall appoint at least one election clerk from each of the major parties to
15 serve at each voting place during the time the polls are open. The municipal officers
16 shall also appoint a sufficient number of election clerks to serve as counters after the
17 polls close. The election clerks must be selected so that the number of election clerks
18 from one major party does not exceed the number of election clerks from another
19 major party by more than one.

20 B. The municipal officers shall appoint at least one election clerk nominated by the
21 municipal committee of a qualified minor party represented on the last general
22 election ballot for each voting place at the committee's request.

23 C. Notwithstanding subsection 1, the municipal officers may also consider persons
24 who are 17 years of age to serve as student election clerks for a specific election. A
25 student election clerk may perform all the functions of an election clerk as prescribed
26 by this Title.

27 All nominations for election clerks must be submitted to the municipal officers no later
28 than April 1st of each general election year. If a municipal committee of a major party
29 fails to submit a list of nominees to serve as election clerks, the municipal officers may
30 appoint registered voters enrolled in that party to serve as election clerks.

31 If the municipal officers are unable to appoint a sufficient number of election clerks as set
32 forth in paragraphs A, B and C, they may appoint any other registered voter, as long as
33 the balance between major political parties is maintained. ~~The municipal clerk shall~~
34 ~~complete a form provided by the Secretary of State when a registered voter changes party~~
35 ~~enrollment status in order to be available to serve as an election clerk and to maintain a~~
36 ~~balance between the major political parties and that election clerk participates in the~~
37 ~~counting of ballots. The form must be included with all ballots separated into lots in~~
38 ~~accordance with section 695, subsection 2 when an election clerk who has changed party~~
39 ~~enrollment status as described in this subsection made the count for that lot of ballots and~~
40 ~~with tabulation results submitted to the Secretary of State. By January 15th after a~~
41 ~~general election, the Secretary of State shall report to the joint standing committee of the~~
42 ~~Legislature having jurisdiction over legal affairs the number of forms required by this~~

1 subsection that were submitted with tabulation results and whether any election that
2 resulted in a recount included ballots that were counted by an election clerk who changed
3 party enrollment status as described in this subsection.

4 **Sec. 15. 21-A MRSA §601, sub-§2, ¶A**, as amended by PL 1993, c. 473, §12
5 and affected by §46, is further amended to read:

6 A. Instructions must be printed ~~in bold type at the top of~~ on the ballot informing the
7 voter how to designate the voter's choice on the ballot.

8 **Sec. 16. 21-A MRSA §601, sub-§2, ¶B**, as amended by PL 2009, c. 253, §23, is
9 further amended to read:

10 B. The ballot must contain the legal name of each candidate, without any title, and
11 ~~place~~ municipality or township of residence of each candidate, arranged
12 alphabetically with the last name first, under the proper office designation.
13 Municipality of residence is not required to be printed for candidates for President
14 and Vice President of the United States. The initial letters of the last names of the
15 candidates must be printed directly beneath each other in a vertical line. The names
16 of candidates for any one office may not be split into more than one column
17 regardless of number. The name of each candidate may be printed on the ballot in
18 only one space. For the general election ballot, the party or political designation of
19 each candidate must be printed with each candidate's name. The party or political
20 designation may be abbreviated.

21 **Sec. 17. 21-A MRSA §606, first ¶**, as repealed and replaced by PL 2011, c. 342,
22 §16, is amended to read:

23 ~~Within a reasonable time before any election, the~~ The Secretary of State shall furnish
24 each municipality with official ballots to be used for absentee voting and for voting on
25 election day.

26 **Sec. 18. 21-A MRSA §663** is enacted to read:

27 **§663. Authority of Secretary of State during emergencies**

28 The Secretary of State may act administratively to facilitate voting by civilian
29 registered voters of this State who live in an area within the United States that is affected
30 by a natural disaster or other occurrence for which the governor of that state has declared
31 a state of emergency covering that area, or for registered voters of this State who are
32 emergency workers, utility workers or others responding to and offering assistance to the
33 area in which a state of emergency has been declared. These administrative actions may
34 include, but are not limited to, central issuance and receipt of absentee ballots for federal
35 and state elections using the systems and procedures developed for uniformed service
36 voters and overseas voters.

37 **Sec. 19. 21-A MRSA §695, sub-§6**, as enacted by PL 2007, c. 455, §37, is
38 repealed.

1 **Sec. 20. 21-A MRSA §698, sub-§1**, as amended by PL 2001, c. 310, §44, is
2 further amended to read:

3 **1. Paper ballots wrapped.** The election clerks shall wrap the tabulation of the count
4 for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped
5 separately with their own tabulations unless the referendum ballot is combined with the
6 candidate ballot. The tabulations must be signed by ~~the warden and~~ the 2 election clerks
7 who counted that ballot lot.

8 **Sec. 21. 21-A MRSA §698, sub-§2-A**, as repealed and replaced by PL 2011, c.
9 342, §26, is amended to read:

10 **2-A. Used ballots secured.** The election officials shall use the tamper-proof ballot
11 security containers described in section 609 to seal the used state ballots, wrapped with
12 their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective
13 ballots; void ballots; ~~unopened envelopes containing rejected absentee ballots~~; envelopes
14 containing challenge certificates; and the official tally tape from the electronic tabulating
15 system. The containers must be further secured as follows.

16 A. Each tamper-proof ballot security container must be locked with a state-supplied
17 lock and sealed with a uniquely numbered seal before leaving the voting place. The
18 lock and seal numbers must correlate with a certificate identifying the person sealing
19 the container and the time of the sealing.

20 B. Ballots and election materials for municipal elections conducted at the same time
21 as a state election must be sealed separately from state ballots and other state election
22 materials and may not be sealed in the state-supplied tamper-proof ballot security
23 containers. If municipalities wish to use tamper-proof ballot security containers to
24 seal municipal election materials, they must obtain the containers and locks at their
25 own expense.

26 The sealed tamper-proof ballot security containers of used ballots must remain sealed for
27 at least 2 months after the election, unless the Secretary of State authorizes the clerk to
28 open the containers prior to that date. After 2 months, the clerk shall open the containers
29 in the presence of one or more witnesses and transfer the ballots to other containers for
30 the remainder of the retention period described in section 23. The new containers must be
31 securely sealed.

32 **Sec. 22. 21-A MRSA §698, sub-§3-A**, as enacted by PL 2011, c. 342, §27, is
33 amended to read:

34 **3-A. Absentee envelopes sealed in separate containers.** The election officials
35 shall seal the used absentee envelopes, from which the voted ballots have been removed
36 and counted, with the applicable applications attached, and shall also seal the unopened
37 envelopes containing rejected absentee ballots in one or more tamper-proof ballot
38 security containers or other containers separate from the containers with the used or
39 unused ballots. The municipal clerk shall keep these containers of used absentee
40 envelopes and unopened envelopes sealed for 5 business days after the election or until
41 the time for any recount conducted under section 737-A, contested election or appeal has
42 passed, whichever is longer. At the end of the 5th business day after the election, if the

1 municipal clerk verifies that a recount has not been requested, the municipal clerk shall
2 unseal the containers of used absentee envelopes and unopened envelopes and keep them
3 in the clerk's office as a public record for the time required for retention of ballots under
4 section 23.

5 **Sec. 23. 21-A MRSA §760-B, sub-§2**, as amended by PL 2009, c. 253, §51, is
6 further amended to read:

7 **2. Notice of early processing.** The clerk must give notice of the municipality's
8 intent to process absentee ballots prior to election day using the notice of election under
9 section 621-A, stating the time that the clerk intends to begin processing absentee ballots
10 and the inspection period provided in subsection 3. At least 30 days before election day,
11 the clerk shall provide a copy of the notice of election to the Secretary of State and the
12 chairs of each political party of the municipality indicating that early processing of
13 absentee ballots will occur. The notice to the political parties must be considered
14 sufficient as long as it is mailed to the last address of each municipal chair that is known
15 to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or
16 as a scanned attachment to an e-mail address established by the Secretary of State. If the
17 notice is not received by the Secretary of State by 5:00 p.m. on the 30th day before
18 election day, the municipality may not process absentee ballots prior to election day.

19 **Sec. 24. 21-A MRSA §780**, as amended by PL 2009, c. 563, §5, is further
20 amended to read:

21 **§780. Absentee ballots; application**

22 A uniformed service voter or an overseas voter may request an absentee ballot as
23 provided in section 753-A or by submitting a federal application or form requesting an
24 absentee ballot as provided in section 783. With respect to any election for federal office,
25 a clerk or the Secretary of State may not refuse to accept or process any otherwise valid
26 voter registration application or absentee ballot application submitted by a uniformed
27 service voter or an overseas voter on the grounds that the voter submitted the application
28 more than 3 months before the election for which the application will be used. An
29 application or request for an absentee ballot for a uniformed service voter or overseas
30 voter that is accepted pursuant to section 753-A or section 783 remains valid for ~~2 years~~
31 18 months from the date of receipt of the application and entitles the voter to receive
32 absentee ballots for all federal and state elections during that period.

33 **SUMMARY**

34 This bill makes the following changes to the election laws and other related laws.

35 1. It decreases the retention period for several types of election documents and
36 filings.

37 2. It clarifies that the restrictions during the 15-day period after a change of party
38 enrollment do not include the signing of a primary nomination petition, as long as the
39 petition is certified after the 15-day period elapses.

- 1 3. It provides explicit authority for the Secretary of State to adopt routine technical
2 rules for conducting voter list maintenance as required by the National Voter Registration
3 Act of 1993.
- 4 4. It specifies that the federal and state court systems are entitled to voter registration
5 data from the central voter registration system for the purpose of jury selection or bona
6 fide court purposes.
- 7 5. It replaces the current process for formation of a new party by petition with a
8 process of formation by enrolling a certain number of voters in the proposed party.
- 9 6. It moves the deadlines for submission of nonparty petitions for a slate of
10 presidential electors to 2 weeks earlier.
- 11 7. It removes the requirement that the municipal clerk report to the Secretary of State
12 when a registered voter changes party enrollment status in order to serve as an election
13 clerk as well as the requirement that the Secretary of State report these changes in party
14 enrollment status to the Legislature by January 15th after a general election.
- 15 8. It provides the Secretary of State the authority to act administratively to facilitate
16 voting by Maine registered voters who are civilians living in the United States in an area
17 in which the governor of that state has declared a state of emergency due to a natural
18 disaster or other occurrence, or for Maine registered voters who are responding to and
19 offering assistance to the area in which the state of emergency has been declared.
- 20 9. It changes the method of sealing the unopened envelopes containing rejected
21 absentee ballots so that they are sealed with the used absentee envelopes, rather than with
22 the voted ballots.
- 23 10. It allows the clerk to submit the notice of election, indicating that the
24 municipality will process absentee ballots on the day prior to election day, to the
25 Secretary of State as a scanned attachment to an e-mail, in addition to other means.
- 26 11. It decreases the amount of time an absentee ballot application from a uniformed
27 service voter or overseas voter remains valid, from 2 years to 18 months.
- 28 12. It also makes other clarifications and technical corrections to the election laws.