



130th MAINE LEGISLATURE

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Legislative Document

No. 1830

S.P. 647

In Senate, December 22, 2021

An Act To Amend the Election Laws

Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 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 LUCHINI of Hancock.

Cosponsored by Senator: HICKMAN of Kennebec, Representatives: COREY of Windham, McCREIGHT of Harpswell, RIELLY of Westbrook, SUPICA of Bangor, WOOD of Portland.

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

2 **Sec. 1. 21-A MRSA §112-A, sub-§1**, as enacted by PL 2009, c. 253, §11, is
3 amended to read:

4 **1. Government-issued photograph identification document or credential.** A
5 government-issued photograph identification document or credential, including, but not
6 limited to, a current and valid United States passport, military identification, driver's license
7 ~~or~~, state identification or identification card issued by a federally recognized Indian tribe;

8 **Sec. 2. 21-A MRSA §381, sub-§1**, as amended by PL 1997, c. 436, §56, is further
9 amended to read:

10 **1. Nominees chosen.** The Governor shall order the appropriate political committees
11 to meet and shall set the deadline for choosing nominees. The deadline may not be sooner
12 than the 15th day after the date of the Governor's proclamation declaring a vacancy. The
13 political committees shall follow the procedure outlined in section 363.

14 **Sec. 3. 21-A MRSA §382, sub-§1**, as amended by PL 2011, c. 409, §2, is further
15 amended to read:

16 **1. Nominees chosen.** The Governor shall order the appropriate political committees
17 to meet and shall set the deadline for choosing nominees, ~~which may not be less than 15~~
18 ~~days following the~~. The deadline may not be sooner than the 15th day after the date of the
19 Governor's proclamation declaring a vacancy. The political committees shall follow the
20 procedure outlined in section 363.

21 **Sec. 4. 21-A MRSA §753-B, sub-§5**, as repealed and replaced by PL 2019, c. 371,
22 §35, is repealed and the following enacted in its place:

23 **5. Alternate method of balloting by residents of certain licensed facilities.**
24 Residents of certain nursing homes, residential care facilities and assisted living programs
25 may cast absentee ballots under the provisions of this subsection. This subsection applies
26 to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed
27 level IV residential care facility subject to the provisions of Title 22, chapter 1664; and a
28 licensed assisted living program with more than 6 beds subject to the provisions of Title
29 22, chapter 1664.

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

1 means a residential care facility as defined by Title 22, section 7852, subsection 14 that
2 has a licensed capacity of more than 6 residents.

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

6 (1) The Department of Health and Human Services declares a health emergency
7 under Title 22, section 802, subsection 2;

8 (2) The Governor declares an extreme public health emergency under Title 22,
9 section 802, subsection 2-A; or

10 (3) The Department of Health and Human Services determines that a public health
11 threat, as defined in Title 22, section 801, subsection 10, threatens the health,
12 welfare or safety of the residents of a facility described in paragraph A.

13 Procedures designated under this paragraph remain in effect for the duration of the
14 health emergency, extreme public health emergency or public health threat, as the case
15 may be.

16 **Sec. 5. 21-A MRSA §901-A, sub-§2**, as amended by PL 2009, c. 611, §1, is further
17 amended to read:

18 **2. Required statements; placement of information.** On each page of a petition that
19 contains space intended for voter signatures, the Secretary of State shall include a space at
20 the top right or left corner of each such page to be submitted to the voters, which must be
21 filled in with the name of the circulator collecting signatures on that petition and a unique
22 identifying number, ~~and~~. On the first page of a petition only, the Secretary of State shall
23 include the fiscal impact of the initiative as described in Title 1, section 353 directly below
24 the following statement at the top of the petition in a type size of no less than 16 points:

25 "Freedom of Citizen Information: Before a registered voter signs any initiative petition,
26 signature gatherers must offer the voter the opportunity to read the proposed initiative
27 summary and fiscal impact statement prepared by the Secretary of State."

28 **Sec. 6. 21-A MRSA §903**, as enacted by PL 1985, c. 161, §6, is amended to read:

29 **§903. Instructions to be printed on**

30 The Secretary of State shall prepare ~~complete~~ instructions to inform the clerk and the
31 signer or circulator of a petition of the statutory and constitutional requirements. The
32 instructions must specify the conditions ~~which~~ that have been held to invalidate either
33 individual signatures or complete petitions. The instructions must be printed ~~in bold type~~
34 ~~or capital letters~~ on the petition.

35 **Sec. 7. 21-A MRSA §905, sub-§2**, as amended by PL 2009, c. 611, §6, is further
36 amended to read:

37 **2. Superior Court.** Any voter named in the application under section 901, or any
38 person who has validly signed the petitions, if these petitions are determined to be invalid,
39 or any other voter, if these petitions are determined to be valid, may appeal the decision of
40 the Secretary of State by commencing an action in the Superior Court. This action must be
41 conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as
42 modified by this section. In reviewing the decision of the Secretary of State, the court shall

1 determine whether the description of the subject matter is understandable to a reasonable
2 voter reading the question for the first time and will not mislead a reasonable voter who
3 understands the proposed legislation into voting contrary to that voter's wishes. This action
4 must be commenced within 10 days of the date of the decision of the Secretary of State.
5 Upon timely application, anyone may intervene in this action when the applicant claims an
6 interest relating to the subject matter of the petitions, unless the applicant's interest is
7 adequately represented by existing parties. The court shall issue its written decision
8 containing its findings of fact and stating the reasons for its decision ~~within 40 days of~~
9 before the 40th day after the date of the decision of the Secretary of State or the 90th day
10 before the date of the election in which the initiative or referendum will appear on the
11 ballot, whichever occurs first.

12 **Sec. 8. 21-A MRSA §905-A, first ¶**, as enacted by PL 2007, c. 234, §6, is amended
13 to read:

14 No later than ~~40~~ 15 business days after the ~~Legislature adjourns sine die~~ Secretary of
15 State issues a written decision under section 905, subsection 1 finding a petition for a direct
16 initiative to be valid, the Secretary of State shall give public notice of a proposed ballot
17 question for ~~any that~~ that initiative ~~that will be submitted to the voters at the next statewide~~
18 ~~election or special election~~ by posting ~~all proposed ballot questions~~ the question on the
19 Secretary of State's publicly accessible website. The Secretary of State may also publish
20 notice for one day in newspapers having general circulation in the State. After giving
21 public notice of ~~a~~ the proposed ballot question in accordance with this section, the Secretary
22 of State shall provide a 30-day public comment period for the purpose of receiving
23 comments on the content and form of ~~the proposed questions to be placed on the ballot for~~
24 ~~any pending initiatives~~ question. No later than 10 days after receiving public comments in
25 accordance with this section and after review of those comments, the Secretary of State
26 shall write the ballot question for ~~any pending~~ the initiative. An aggrieved voter may appeal
27 the final decision of the Secretary of State under this section using the procedures for court
28 review provided for in section 905, subsections 2 and 3.

29 SUMMARY

30 This bill makes the following changes to the laws governing elections.

31 1. It adds identification cards issued by federally recognized Indian tribes as acceptable
32 proof of identity of an applicant who is registering to vote.

33 2. It requires a minimum of 15 days for a political committee to caucus and nominate
34 a candidate for a vacancy in the office of State Senator or Representative to the Legislature.

35 3. It permits the Secretary of State to designate procedures that deviate from statutory
36 requirements for absentee balloting in certain nursing homes, residential care facilities and
37 assisted living programs as may be necessary to protect public health during a declared
38 health emergency, a declared extreme public health emergency or a public health threat
39 affecting residents in those facilities.

40 4. It clarifies that the fiscal impact statement for an initiative petition must be printed
41 only on the first page of the petition.

42 5. It removes the requirement that the instructions on a petition be printed in bold type
43 or capital letters.

1 6. It changes the timing of when the Secretary of State must draft a proposed ballot
2 question for a direct initiative to 15 business days after the determination that an initiative
3 petition is valid.

4 7. It requires aggrieved voters seeking to bring a legal challenge to the form or content
5 of a ballot question to follow the procedures applicable to challenges to the Secretary of
6 State's determination of the validity of direct initiative and people's veto petitions and
7 adjusts those procedures to require the Superior Court to issue a written decision before 40
8 days after the Secretary of State's decision or 90 days before the election in which the
9 initiative or referendum will appear on the ballot, whichever occurs first.