

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 371 - L.D. 514

**An Act To Amend the Laws Governing the Political Party Representation of
Election Clerks****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 21-A MRSA §503**, as amended by PL 2013, c. 131, §14, is repealed.**Sec. 2. 21-A MRSA §503-A** is enacted to read:**§503-A. Election clerks**Election clerks are governed by the following provisions.

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 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.

2. Nomination. All nominations for election clerks must be submitted to the municipal officers by April 1st of each general election year. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

3. Appointment. The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters. The municipal officers shall appoint a sufficient number of election clerks to meet the requirements of subsections 4 and 5. A list of the election clerks appointed under this subsection must be posted at each voting place for each election during the 2-year term following appointment. For each election, the municipal clerk shall select the election clerks from the list of appointees and assign their duties.

4. Minimum number of election clerks. There must be at least 2 election clerks, one from each of the major parties, selected from the list of appointees to serve at each voting place during the entire time the polls are open and as counters after the polls close. The municipal clerk may select additional election clerks for each voting place as needed in accordance with subsection 5.

5. Selection of additional clerks; representation of parties. If a municipality requires more election clerks than the minimum number prescribed in subsection 4, the municipal clerk must select additional election clerks from the list of appointees to work at each election as follows.

A. The number of election clerks selected from one major party may not exceed the number of election clerks from another major party by more than one.

B. The number of election clerks selected from the major parties must comprise at least half of the total number of election clerks selected. The remaining number of election clerks may be enrolled in a minor party or may be unenrolled.

C. If the municipal officers did not appoint a sufficient number of election clerks representing the major parties or there is an insufficient number of appointees from the major parties who are available to serve at an election, the municipal clerk may select as many election clerks from minor parties or who are unenrolled as needed to serve at that election.

6. Vacancies. Notwithstanding subsection 5, if a sufficient number of appointed election clerks are not available to serve on election day, the municipal clerk may appoint the necessary number of election clerks, without regard to party affiliation, to fill the vacancies at that election.

7. Oath of office. Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden, and the oath is recorded.

8. Term of office. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified.

9. Duties. Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

Sec. 3. 21-A MRSA §631, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Appointment of wardens and ward clerks. At least 10 days before the election, the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section ~~503~~ 503-A.

Sec. 4. 30-A MRSA §2528, sub-§8, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

8. Ballot clerks. Before the polls are opened, the ~~selectmen~~ municipal officers shall appoint the necessary number of ballot clerks as provided in Title 21-A, section ~~503~~ 503-A. When there are vacancies after the polls are opened, the moderator shall appoint replacement clerks. The ballot clerks ~~shall~~ must be sworn before assuming their duties.

A. On election day, before the polls are opened, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrail enclosure.

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in the clerk's office for 6 months.

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during a temporary absence from the polling place.

D. The ~~selectmen~~ municipal officers shall prepare a duplicate incoming voting list for the use of the ballot clerks. The law pertaining to incoming voting lists applies equally to duplicate incoming voting lists.