



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1138

S.P. 407

In Senate, March 31, 2015

An Act Regarding Municipal Reporting of Statewide Elections

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative GIDEON of Freeport and
Senators: BAKER of Sagadahoc, COLLINS of York, CYRWAY of Kennebec, GERZOFISKY
of Cumberland, HILL of York, MASON of Androscoggin, PATRICK of Oxford,
Representative: O'CONNOR of Berwick.

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

2 **Sec. 1. 21-A MRSA §721-A** is enacted to read:

3 **§721-A. Enforcement of reports of registration and enrollment**

4 **1. Municipality to identify clerk who fails to report.** If a clerk has not updated the
5 central voter registration system by entering voter participation history for a statewide
6 election pursuant to section 721 within 25 business days after the election, the
7 municipality shall publish in a newspaper having general circulation within the
8 municipality notice of the failure of the clerk to update the system and shall identify the
9 clerk. By January 1st for the immediately previous general election and by August 1st for
10 the immediately previous primary election, if a clerk has updated the central voter
11 registration system by entering voter participation history for that election more than 25
12 business days after the election or a clerk has not updated the system, the municipality
13 shall indicate that action or lack of action in the municipality's next town report.

14 **2. Secretary of State to warn clerk who fails to report.** If a clerk fails to update
15 the central voter registration system by entering voter participation history for a statewide
16 election pursuant to section 721 within 25 business days after the election:

17 A. Before November 9, 2016, the Secretary of State shall provide a warning to the
18 clerk for the clerk's failure to update the central voter registration system; and

19 B. After November 8, 2016, the Secretary of State shall provide a warning to the
20 clerk for the clerk's failure to update the central voter registration system and, if the
21 clerk has not updated the central voter registration system by entering voter
22 participation history for a statewide election by January 1st for the immediately
23 previous general election and by August 1st for the immediately previous primary
24 election, the clerk commits a civil violation pursuant to subsection 3.

25 **3. Penalty.** A clerk to whom the Secretary of State has provided a warning pursuant
26 to subsection 2, paragraph B who subsequently fails to update the central voter
27 registration system by entering voter participation history by January 1st for the
28 immediately previous general election and by August 1st for the immediately previous
29 primary election commits a civil violation for which a fine may be adjudged of not more
30 than \$50 for each day that the clerk fails to update the system after January 1st for the
31 immediately previous general election or August 1st for the immediately previous
32 primary election.

33 **4. Municipality is not liable.** A municipality is not liable for the failure of the
34 municipality's clerk to update the central voter registration system by entering voter
35 participation history for a statewide election pursuant to section 721.

36 **SUMMARY**

37 This bill provides for a municipal clerk who fails to update the central voter
38 registration system by entering voter participation history to be warned by the Secretary
39 of State and for the clerk's municipality to publish in a newspaper and its town report

1 notice of that failure. It also, beginning November 8, 2016, makes it a civil violation for
2 a municipal clerk to fail to update the central voter registration system by entering voter
3 participation history for a statewide election by January 1st for the immediately previous
4 general election and by August 1st for the immediately previous primary election. The
5 bill imposes a fine of not more than \$50 for each day after January 1st or August 1st that
6 the clerk fails to update the system. It also stipulates that a municipality is not liable for a
7 clerk's failure to update the system.