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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 809, L.D. 1980, “An Act to Improve Election Laws and Notarial Laws”

Amend the bill by inserting after the title and before the enacting clause the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the effective date of the provisions regarding a marriage officiant license and communication technology used to perform remote or electronic notarization, for which the fees in this legislation are related, is July 1, 2023; and

**Whereas,** the fees should be in place when those provisions become effective; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in Part A in section 8 in §367 in the first indented paragraph in the 3rd line (page 3, line 29 in L.D.) by striking out the following: "deadline" and inserting the following: 'appropriate deadline provided in article 2'

Amend the bill in Part A by inserting after section 10 the following:

**Sec. A-11. 21-A MRSA §692, sub-§2,** as amended by PL 2009, c. 253, §30, is further amended to read:

**2. Write-in vote.** If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided ~~at the end of the list of nominees for the office in question~~ next to the write-in indicator. The voter must then mark the ~~ballot~~ write-in indicator as instructed ~~in the directions~~ on the ballot to indicate a vote for the write-in candidate. A sticker may not be used to vote for a write-in candidate.

**Sec. A-12. 21-A MRSA §696, sub-§2, ¶C,** as amended by PL 2009, c. 253, §32, is further amended to read:

**COMMITTEE AMENDMENT**

1 C. If a voter marks a write-in indicator for an office, but does not write the name of a  
2 declared write-in candidate in the blank space provided ~~to the right of~~ next to the write-  
3 in indicator, that vote for that office may not be counted, unless a determination of  
4 choice under subsection 4 is possible.'

5 Amend the bill in Part A in section 18 in the first indented paragraph in the 5th, 6th  
6 and 7th lines (page 5, lines 12 to 14 in L.D.) by striking out the following: "If no sworn law  
7 enforcement officers are available to conduct the retrieval, the Secretary of State may use  
8 a contracted courier to provide these services."

9 Amend the bill in Part A by striking out all of section 19 and inserting the following:

10 '**Sec. A-19. 21-A MRSA §737-A, 2nd ¶**, as amended by PL 2019, c. 371, §29, is  
11 further amended to read:

12 The Secretary of State shall store and maintain exclusive control over the ballots and  
13 other materials pending and during the recount and until the ~~courier~~, sworn law  
14 enforcement officers or the State Police ~~if requested, retrieves~~ retrieve the materials for  
15 return to the municipalities.'

16 Amend the bill in Part A by striking out all of section 20 and inserting the following:

17 '**Sec. A-20. 21-A MRSA §737-A, sub-§1**, as amended by PL 2019, c. 371, §30, is  
18 further amended to read:

19 **1. Deposit for legislative or single county office recount.** This subsection applies to  
20 a recount for an election for the office of State Senator or State Representative or for a  
21 county office that does not encompass more than one county. All deposits required by this  
22 section must be made with the Secretary of State when a recount is requested by a losing  
23 candidate or an undeclared write-in candidate. Once the ~~courier~~, sworn law enforcement  
24 officers or the State Police ~~if requested, has~~ have taken custody of the ballots and other  
25 election materials from the municipalities, the deposit made by the candidate requesting  
26 the recount is forfeited to the State if the resulting count fails to change the outcome of the  
27 election. If the recount reverses the election, the deposit must be returned to the candidate  
28 requesting the recount. The amount of the deposit is calculated as follows.

29 A. If the percentage difference shown by the official tabulation between the leading  
30 candidate and the requesting candidate is 1.5% or less of the total votes cast for that  
31 office, a deposit is not required.

32 B. If the percentage difference shown by the official tabulation between the leading  
33 candidate and the requesting candidate is more than 1.5% and less than or equal to 4%  
34 of the total votes cast for that office, the deposit is \$500.

35 C. If the percentage difference shown by the official tabulation between the leading  
36 candidate and the requesting candidate is more than 4% and less than or equal to 6%  
37 of the total votes cast for that office, the deposit is \$1,000.

38 D. If the percentage difference shown by the official tabulation between the leading  
39 candidate and the requesting candidate is more than 6% and less than or equal to 8%  
40 of the total votes cast for that office, the deposit is \$2,500.

41 E. If the percentage difference shown by the official tabulation between the leading  
42 candidate and the requesting candidate is more than 8% and less than or equal to 10%  
43 of the total votes cast for that office, the deposit is \$5,000.

1 F. If the percentage difference shown by the official tabulation between the leading  
2 candidate and the requesting candidate is more than 10% of the total votes cast for that  
3 office, the deposit is \$10,000.'

4 Amend the bill in Part A by striking out all of section 21 and inserting the following:

5 '**Sec. A-21. 21-A MRSA §737-A, sub-§1-A, ¶B**, as amended by PL 2019, c. 371,  
6 §31, is further amended to read:

7 B. If the difference shown by the official tabulation between the leading candidate and  
8 the requesting candidate is more than 1% of the total votes cast for that office or more  
9 than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable  
10 estimate of the cost to the State of performing the first stage of the recount, whichever  
11 is greater. After completion of the recount, if the recount has not changed the result of  
12 the election, the Secretary of State shall calculate the actual cost of the procedure,  
13 which must be paid by the requesting candidate. If the deposit is greater than the actual  
14 cost, the overpayment must be refunded to the candidate. If the actual cost is greater  
15 than the deposit, the candidate shall pay the remainder of the actual cost to the State.  
16 Once the ~~courier~~, sworn law enforcement officers or the State Police ~~if requested~~, has  
17 have taken custody of the ballots and other election materials for the first stage of the  
18 recount, the deposit made by the candidate requesting the recount is forfeited to the  
19 State even if the candidate withdraws from the recount before the recount begins. If a  
20 recount reverses the election, the deposit must be returned to the candidate requesting  
21 the recount.'

22 Amend the bill in Part A by inserting after section 26 the following:

23 '**Sec. A-27. 21-A MRSA §759, sub-§8**, as amended by PL 2009, c. 538, §11, is  
24 further amended by enacting at the end a new last blocked paragraph to read:

25 The Secretary of State may adopt rules necessary for the inspection of absentee ballot  
26 applications and envelopes before they are processed. Rules adopted pursuant to this  
27 subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

28 Amend the bill in Part A in section 29 in subsection 3 in the last line (page 9, line 39  
29 in L.D.) by inserting after the following: "elapsed." the following: 'The Secretary of State  
30 may adopt rules necessary for the inspection of absentee ballot applications and envelopes  
31 before they are processed. Rules adopted pursuant to this subsection are major substantive  
32 rules as defined in Title 5, chapter 375, subchapter 2-A.'

33 Amend the bill in Part A by striking out all of section 30.

34 Amend the bill in Part A by inserting after section 33 the following:

35 '**Sec. A-34. 21-A MRSA §905-A**, as amended by PL 2021, c. 570, §11, is further  
36 amended to read:

37 **§905-A. Public comment on initiative questions**

38 No later than 15 business days after the Secretary of State issues a written decision  
39 under section 905, subsection 1 finding a petition for a direct initiative to be valid, the  
40 Secretary of State shall give public notice of a proposed ballot question for that initiative  
41 by posting the question on the Secretary of State's publicly accessible website. The  
42 Secretary of State may also publish notice for one day in newspapers having general  
43 circulation in the State. After giving public notice of the proposed ballot question in

1 accordance with this section, the Secretary of State shall provide a 30-day public comment  
2 period for the purpose of receiving comments on the content and form of the proposed  
3 question. No later than ~~10~~ 15 business days after receiving public comments in accordance  
4 with this section and after review of those comments, the Secretary of State shall write the  
5 ballot question for the initiative. An aggrieved voter may appeal the final decision of the  
6 Secretary of State under this section using the procedures for court review provided for in  
7 section 905, subsections 2 and 3.'

8 Amend the bill in Part A in section 36 in the 4th line (page 10, line 42 in L.D.) by  
9 striking out the following: "subsection 5" and inserting the following: 'subsection 5-B'

10 Amend the bill in Part B by inserting after section 1 the following:

11 '**Sec. B-2. 5 MRSA §86, 7th ¶**, as corrected by RR 2001, c. 2, Pt. B, §2 and affected  
12 by §58, is amended to read:

13 For filing, copying, comparing or authenticating any document required or permitted  
14 to be filed under Title 13-B, that fee specified in Title 13-B, chapter 14; ~~and~~

15 **Sec. B-3. 5 MRSA §86, 8th ¶**, as amended by PL 2003, c. 518, §1, is further  
16 amended to read:

17 For filing a federal tax lien or other federal liens, certificates or notices affecting the  
18 liens of which under any Act of Congress or any federal regulation are required or permitted  
19 to be filed under Title 33, chapter 39, that fee specified in Title 33, section 1906-~~;~~

20 **Sec. B-4. 5 MRSA §86, 9th ¶**, as enacted by PL 2003, c. 149, §1, is amended to  
21 read:

22 For filing and recording a designated office for service of trustee process under Title  
23 14, section 2608-A, \$25-~~;~~

24 **Sec. B-5. 5 MRSA §86**, as amended by PL 2003, c. 518, §1, is further amended by  
25 enacting after the 9th paragraph a new paragraph to read:

26 For filing a new or renewal application for a marriage officiant license under section  
27 90-G, \$25; and

28 **Sec. B-6. 5 MRSA §86**, as amended by PL 2003, c. 518, §1, is further amended by  
29 enacting at the end a new paragraph to read:

30 For filing a new or renewal application for approval to be a provider of communication  
31 technology used to perform remote or electronic notarization under Title 4, section 1915,  
32 \$250.

33 **Sec. B-7. Effective date.** This Part takes effect July 1, 2023.'

34 Amend the bill by adding before the summary the following:

35 '**Emergency clause.** In view of the emergency cited in the preamble, this legislation  
36 takes effect when approved, except as otherwise indicated.'

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
38 number to read consecutively.

**SUMMARY**

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2 This amendment, which is the unanimous report of the committee, adds an emergency  
3 preamble and clause to the bill and makes the following other changes.

4 1. It removes the provision allowing the Secretary of State to use a contracted courier  
5 for the secure retrieval of ballots prior to a recount.

6 2. It allows the Secretary of State to adopt major substantive rules related to the  
7 inspection of absentee ballot applications and envelopes before they are processed.

8 3. It removes the provision allowing the Secretary of State to adopt rules related to the  
9 conduct of regular absentee voting.

10 4. It changes the period of time after receiving public comments on the content and  
11 form of a proposed ballot question for a direct initiative that the Secretary of State must  
12 write the ballot question for the initiative from 10 days, as provided in current law, to 15  
13 business days.

14 5. It provides for a fee of \$25 for filing a new or renewal application for a marriage  
15 officiant license.

16 6. It provides for a fee of \$250 for filing a new or renewal application for approval to  
17 be a provider of communication technology used to perform remote or electronic  
18 notarization.

19 7. It makes other necessary technical changes.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**