



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

**LD 1437 “RESOLUTION, Proposing an Amendment to the Constitution of Maine
Concerning Alternative Signatures Made by Person with Disabilities”**

Testimony Provided by Melissa Packard, Director of Elections

April 8, 2019

Senator Luchini, Representative Schneck and Members of the Committee:

The Secretary of State is in favor of this agency legislation that would amend the Constitution of Maine to allow persons with disabilities to sign a petition for a people’s veto and direct initiative with an alternative signature as authorized by proper enactment by the Legislature.

In 2005, the 122nd Maine Legislature enacted Chapter 196 of the Public Laws of 2005 “An Act To Ensure Participation by Voters with Disabilities in the Electoral Process”. That law amended Title 21-A, Maine Law on Elections, to allow voters with disabilities to register to vote or make changes to the voter’s registration record by using a signature stamp or authorizing another person to sign on behalf of the voter. The statute (Title 21-A, section 153-A – copy attached) allows a voter who is unable to sign his or her own name to sign the voter registration application either by using a signature stamp or authorizing another person to sign on the voter’s behalf. An individual assisting the voter must complete and sign the registration application and an alternative registration signature statement. The statute authorized the Secretary of State to design the alternative registration signature statement which indicates the voter has authorized another person to sign on the voter’s behalf. A copy of this form is attached to this testimony.

This law change also provided that once the alternative registration signature statement is on file with the Municipal Registrar, the voter with a disability may authorize any other Maine registered voter to sign any candidate petitions and any Maine Clean Election forms in the presence and at the direction of the voter.

Although a statutory change was sufficient to allow a voter to authorize another person to sign a candidate petition or Clean Elections form, it was determined that a constitutional amendment would be needed to authorize a similar process for direct initiative and people’s veto petitions as the Maine Constitution, Article IV, Part Third, section 20 defines “a written petition” as “one or more petitions written or printed, or partly written and partly printed, with the **original signatures of the petitioners** attached ...” (emphasis added).

This Constitutional Resolution will allow voters with disabilities to sign petitions that are authorized by the Maine Constitution. These voters have been prevented from signing these petitions since the process was authorized in 1907. This change is long overdue. We encourage the Committee to vote this Constitutional Resolution “Ought To Pass” in order to give all voters an equal voice in this electoral process.

I would be happy to answer any questions of the Committee, either now or at the work session.

Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 3: VOTER REGISTRATION

§153-A. ALTERNATIVE REGISTRATION PROCEDURE FOR VOTERS WITH DISABILITIES

1. Alternative application for voter who is unable to sign. An applicant who is unable to sign that applicant's name because of a physical disability may use a signature stamp or authorize another person to sign on behalf of the applicant on an application to register to vote or to enroll or make any changes to the applicant's voter registration status, as provided by this Title. The individual assisting the applicant shall prepare and sign the registration application or form, along with an alternative registration signature statement, at the applicant's direction, in the presence of the applicant and one corroborating witness. The individual assisting the applicant and the corroborating witness must be registered to vote in the State, but neither may be a candidate, the applicant's employer or an agent of that employer or an officer or agent of the applicant's union. The alternative registration signature statement form must be designed by the Secretary of State and must indicate that:

A. The applicant is unable to sign the applicant's name because of a physical disability; [2005, c. 196, §3 (NEW) .]

B. The applicant meets all the qualifications to become a registered voter in the State or to make the requested changes to the voter's registration; and [2005, c. 196, §3 (NEW) .]

C. The information supplied on the form concerning the applicant is true. [2005, c. 196, §3 (NEW) .]

[2005, c. 196, §3 (NEW) .]

2. Alternative application for voter who becomes unable to sign after being registered. A voter who becomes unable to sign that voter's name because of a physical disability after being registered to vote and who wishes to change the voter's registration or enrollment status may do so by using a signature stamp or by authorizing another registered voter to sign on the voter's behalf if the voter files with the voter registration application or form an alternative registration signature statement prepared in accordance with subsection 1.

[2005, c. 196, §3 (NEW) .]

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions and any Maine Clean Election Act forms requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be a candidate, the circulator of the petition or form, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions.

[2005, c. 568, §6 (AMD) .]

4. Registrar assistance. An applicant or voter described in subsection 1 or 2 who does not have another registered voter available to assist the applicant or voter may request the registrar to provide that assistance. If the applicant or voter is unable to appear at the office of the registrar, the registrar shall visit the individual to provide that assistance, upon request and with reasonable notice. The municipality shall pay the registrar travel expenses at the same rate paid other municipal employees.

[2005, c. 196, §3 (NEW) .]

SECTION HISTORY

2005, c. 196, §3 (NEW). 2005, c. 568, §6 (AMD).

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ALTERNATIVE REGISTRATION SIGNATURE STATEMENT

Applicant Name

Date of Birth

Applicant's Residence Address

Pursuant to Title 21-A, §153-A:

- A. The applicant is unable to sign the applicant's name because of a physical disability;
- B. The applicant meets all the qualifications to become a registered voter in the State or to make the requested changes to the voter's registration; and
- C. The information supplied on the form concerning the application is true.

Signature of Assistant

Printed Name

Municipality of Residence

Date of Birth

Date

Signature of Corroborating Witness

Printed Name

Municipality of Residence

Date of Birth

Date

If the applicant is not currently registered to vote, a Maine Voter Registration Application must also be completed. The Alternative Registration Signature Statement (and Voter Registration Application, if applicable) must be filed with the municipal clerk in the applicant's municipality of residence.