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VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 176, L.D. 199, Bill, “An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting”

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 21-A MRSA §671, sub-§1, as amended by PL 2005, c. 453, §55, is further amended to read:

1. Name announced; proof of identity. A voter who wishes to vote must state the voter's name and present proof of identity in the form of a photographic identification document and, upon request, state the voter's residence address to an election clerk, who shall announce the name in a loud, clear voice. Photographic identification required by this subsection must be an official identification document or card issued by a state, the Federal Government or a college or university located in the State and must not be expired. Photographic identification required by this subsection must be used solely to verify the identity of the person who wishes to vote. If a person who wishes to vote does not present photographic identification, that person must be permitted to cast a provisional ballot as provided by section 671-A. Before November 7, 2012, the identity of a person who does not present photographic proof of identity but is known to an election worker at the voting place may be verified as provided in subsection 1-A.

Sec. 2. 21-A MRSA §671, sub-§1-A is enacted to read:

COMMITTEE AMENDMENT

1 **1-A. Voter known to election worker; verification of identity.** A voter who does
2 not provide photographic identification on election day as required by subsection 1 and is
3 known to an election worker at the voting place may be issued a ballot after completion
4 and signing of an affidavit by the election worker. The affidavit must be in a form
5 prescribed by the Secretary of State and must be written to indicate that the election
6 worker can personally attest to the identity of the voter. The election worker may issue
7 the voter a ballot after the election worker who can attest to the identity of the voter has
8 signed the affidavit. For the purposes of this subsection, "election worker" includes a
9 municipal clerk, registrar and election official. This subsection is repealed November 7,
10 2012.

11 **Sec. 3. 21-A MRSA §671-A** is enacted to read:

12 **§671-A. Provisional voting**

13 A person who has not provided photographic identification as required by section
14 671, subsection 1 and has not had the person's identity verified by affidavit as provided in
15 section 671, subsection 1-A must be permitted to cast a provisional ballot as follows.

16 **1. How issued.** In order to cast a provisional ballot under this section, a person must
17 complete and sign a provisional ballot affidavit, swearing to or affirming that that person
18 is the person that person claims to be on the incoming voting list. The provisional ballot
19 affidavit must be on a form designed by the Secretary of State and must include, at a
20 minimum, the person's name, address, party affiliation, if any, and reason that the person
21 was not able to provide photographic proof of identity.

22 **2. Ballot and provisional envelope issued.** As soon as the provisional ballot
23 affidavit form under subsection 1 has been completed, the election clerk in charge of
24 ballots shall give a provisional ballot and a provisional ballot envelope to the warden. The
25 warden shall write a provisional ballot number on the affidavit form and the provisional
26 ballot envelope and give the ballot and envelope to the voter. The warden also shall give
27 the voter a notice about provisional voting, on a form designed by the Secretary of State,
28 that includes the provisional ballot number assigned to the voter's ballot. The form must
29 clearly state that the person who wishes to vote has 3 business days to provide the warden
30 or election clerk photographic proof of identity as prescribed in section 671, subsection 1
31 in order for the provisional ballot to be counted.

32 **3. Proceed to vote.** After a voter marks the provisional ballot under subsection 2,
33 the voter shall seal it in the provisional ballot envelope and return it to the warden.

34 **4. Provisional ballots segregated and logged.** The warden shall place a provisional
35 ballot envelope containing a provisional ballot completed under this section in a
36 tamper-proof container until the identity of the person marking the ballot can be verified
37 by photographic identification as required by section 671, subsection 1. The warden also
38 shall complete a provisional ballot log, on a form provided by the Secretary of State, that
39 indicates for each provisional ballot the name of the voter, the provisional ballot number
40 and a notation of whether the provisional ballot was resolved and cast. The sealed
41 tamper-proof containers of provisional ballots that are not resolved must be returned to
42 the municipal clerk after the polls are closed, along with all provisional ballot affidavits
43 and the provisional ballot log form.

1 **5. Resolution and counting of provisional ballots.** When a provisional ballot is
2 cast under this section, the municipal clerk or registrar shall proceed as follows.

3 A. If the identity of a person casting a provisional ballot under this section is verified
4 upon presentation of acceptable photographic identification by the close of the polls
5 on election day, the clerk or registrar shall designate on the provisional ballot log
6 under subsection 4 that the provisional ballot was accepted. The warden shall remove
7 the provisional ballot from the sealed provisional ballot envelope and place it into the
8 ballot box or tabulator to be counted with the other ballots after the polls close. The
9 election clerk in charge of the incoming voting list shall annotate the incoming voting
10 list to indicate that the voter voted.

11 B. If the identity of a person casting a provisional ballot under this section is verified
12 upon presentation of acceptable photographic identification after the close of the polls
13 on election day, but not later than the 3rd business day after the election, the clerk or
14 registrar shall designate on the provisional ballot log under subsection 4 that the
15 provisional ballot was accepted. The clerk or registrar, in the presence of one or more
16 witnesses, shall remove the provisional ballot from the sealed provisional ballot
17 envelope and place it into a ballot box in a manner that preserves the secrecy of the
18 vote. After all accepted provisional ballots have been placed into the ballot box, the
19 clerk or registrar shall remove and count the provisional ballots in the same manner
20 as regular ballots. After the incoming voting list is unsealed following the election,
21 the clerk or registrar shall annotate the list to add the names and addresses of the
22 voters under this subsection, along with an indication that the voters voted.

23 C. If a person casting a provisional ballot under this section has not presented
24 photographic identification acceptable to verify the person's identity within 3
25 business days after the election, the clerk or registrar shall write "rejected" on the
26 provisional ballot envelope and return the unopened envelope to the tamper-proof
27 container. The clerk or registrar shall update the provisional ballot log under
28 subsection 4 to indicate the ballot was rejected.

29 **6. Report to Secretary of State.** No later than 3 business days after an election, the
30 clerk shall report the status of all provisional ballots of the municipality under this section
31 to the Secretary of State by providing a copy of the provisional ballot log under
32 subsection 4. In addition to annotating the provisional ballot log to indicate whether
33 provisional ballots were accepted or rejected, the clerk shall update the municipality's
34 return of votes cast to include the votes cast by all provisional voters who presented
35 acceptable photographic identification.

36 **7. Secretary of State to make status available.** Within 20 days after an election,
37 the Secretary of State shall make available on the Secretary of State's publicly accessible
38 website the total number of provisional ballots under this section for that election,
39 including the number of ballots that were counted and the number of ballots that were not
40 counted. For a ballot that was not counted, the reason the ballot was not counted must be
41 included.

42 **Sec. 4. 29-A MRS §1410, sub-§10** is enacted to read:

