



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1384

S.P. 471

In Senate, April 11, 2017

### An Act To Amend the Election Laws

(AFTER DEADLINE)

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Submitted by the Secretary of State and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 MASON of Androscoggin.

Cosponsored by Representative LUCHINI of Ellsworth and

Representatives: CASÁS of Rockport, DUNPHY of Old Town, FAY of Raymond, HANDY of Lewiston, MARTIN of Sinclair, McCREA of Fort Fairfield, PARKER of South Berwick, WHITE of Washburn.

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

2 **Sec. 1. 21-A MRSA §111, sub-§5**, as amended by PL 2005, c. 387, §1, is further  
3 amended to read:

4 **5. Enrollment.** The person must be enrolled in a party in that municipality to vote at  
5 that party's caucus, convention or primary election, ~~unless otherwise permitted by the~~  
6 ~~party pursuant to section 340.~~

7 **Sec. 2. 21-A MRSA §144, first ¶**, as amended by PL 2001, c. 310, §7, is further  
8 amended to read:

9 A voter may change the voter's enrollment ~~anytime~~ after 3 months from the date on  
10 which the voter enrolled by filing an application with the registrar personally, by mail or  
11 otherwise, except that a voter may not file an application to change enrollment on the day  
12 of a primary election.

13 **Sec. 3. 21-A MRSA §144, sub-§1**, as amended by PL 2005, c. 453, §26, is  
14 further amended to read:

15 **1. Content of application.** The application must contain the following information:  
16 Name of applicant, the date of birth, residence address, ~~voting district, name of party in~~  
17 ~~which enrolled~~, name of party in which enrollment is requested, signature of the applicant  
18 and the date of application.

19 **Sec. 4. 21-A MRSA §145, first ¶**, as enacted by PL 1985, c. 161, §6, is amended  
20 to read:

21 A voter may withdraw ~~his the voter's~~ enrollment ~~anytime~~ after 3 months from the  
22 date on which ~~he the voter~~ enrolled by filing a written request with the registrar, except  
23 that a voter may not file an application to withdraw enrollment on the day of a primary  
24 election.

25 **Sec. 5. 21-A MRSA §311, sub-§1**, as amended by PL 2005, c. 387, §3, is further  
26 amended to read:

27 **1. Call.** The caucus may be called by the chair or a majority of the members of the  
28 municipal committee of a political party. If the municipal committee fails to call a  
29 caucus, the county committee may call the caucus. At the request of that committee  
30 municipal officers shall provide available space in a public building for a caucus. The  
31 municipality may not charge a rental fee or janitorial service fee for the available space,  
32 but may require the committee to provide proof of liability insurance. A municipality  
33 may hold its caucus outside the municipality if several municipalities elect to meet on a  
34 consolidated basis or if the committee calling the caucus determines that a facility outside  
35 the municipality is more suitable.

36 **Sec. 6. 21-A MRSA §340**, as enacted by PL 1987, c. 423, §3, is repealed.

1           **Sec. 7. 21-A MRSA §431, sub-§2**, as enacted by PL 2015, c. 474, §4, is amended  
2 to read:

3           **2. Eligible voter.** ~~Notwithstanding section 340, subsection 1, only~~ Only a voter who  
4 is enrolled in a party may vote in the party's presidential primary election.

5           **Sec. 8. 21-A MRSA §601, sub-§2, ¶D**, as amended by PL 2009, c. 253, §24, is  
6 further amended to read:

7           D. At the end of the list of candidates for each office that has a declared write-in  
8 candidate pursuant to section 722-A, there must be left as many blank spaces as there  
9 are vacancies to be filled. These spaces may be used by a voter to write in the name  
10 of a person for whom the voter desires to vote, as provided in section 691, subsection  
11 2 for a primary election or section 692, subsection 2 for a general election.

12           **Sec. 9. 21-A MRSA §691, sub-§2**, as amended by PL 2009, c. 253, §29, is  
13 further amended to read:

14           **2. Write-in vote.** If the voter wishes to vote for a write-in candidate who has filed a  
15 declaration pursuant to section 722-A, the voter must write the name of the candidate in  
16 the blank space provided at the end of the list of candidates for nomination to the office in  
17 question. The voter must then mark the ballot as instructed in the directions on the ballot  
18 to indicate a vote for the write-in candidate. A sticker may not be used to vote for a  
19 write-in candidate.

20           **Sec. 10. 21-A MRSA §696, sub-§2, ¶E**, as amended by PL 2009, c. 253, §32, is  
21 further amended to read:

22           E. If a voter writes in a write-in space the name of a person who has not filed a  
23 declaration of write-in candidacy as provided by section 722-A, the vote for that  
24 office may not be counted ~~except in accordance with section 737-A, subsection 2-A.~~

25           **Sec. 11. 21-A MRSA §723, sub-§1, ¶A**, as amended by PL 2009, c. 253, §38, is  
26 further amended to read:

27           A. A write-in candidate who complies with ~~either section 722-A or section 737-A,~~  
28 ~~subsection 2-A~~ and who fulfills the other qualifications under section 334; may be  
29 nominated at the primary election if that person receives a number of valid write-in  
30 votes equal to at least twice the minimum number of signatures required under  
31 section 335, subsection 5; on a primary petition for a candidate for that office.

32           **Sec. 12. 21-A MRSA §723, sub-§2**, as amended by PL 2009, c. 253, §39, is  
33 further amended to read:

34           **2. Other elections.** In any other election, the person who receives a plurality of the  
35 votes cast for election to any office, as long as there is at least one vote cast for that  
36 office, is elected to that office, except that a write-in candidate must also comply with  
37 ~~either section 722-A or section 737-A, subsection 2-A.~~

1           **Sec. 13. 21-A MRSA §753-B, sub-§5**, as amended by PL 2011, c. 534, §20, is  
2 further amended to read:

3           **5. Alternate method of balloting by residents of certain licensed facilities.** The  
4 municipal clerk shall designate one ~~or more times~~ time during the 30-day period prior to  
5 an election during which the municipal clerk shall be present in each licensed nursing  
6 home subject to the provisions of Title 22, chapter 405; licensed level IV residential care  
7 facility subject to the provisions of Title 22, chapter 1664; and licensed assisted housing  
8 living program with more than 6 beds subject to the provisions of Title 22, chapter 1664,  
9 in the municipality for the purpose of conducting absentee voting by residents of these  
10 facilities. ~~The licensed residential care facilities or assisted housing programs referred to~~  
11 ~~in this subsection are those that are licensed to have 6 or more beds.~~ The clerk shall  
12 designate which areas in these facilities constitute the voting place, the voting booth and  
13 the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within  
14 the areas designated by the clerk. As used in this subsection, "level IV residential care  
15 facility" means a residential care facility as defined by Title 22, section 7852, subsection  
16 14 that has a licensed capacity of more than 6 residents.

17           **Sec. 14. 21-A MRSA §902**, as amended by PL 2011, c. 342, §31, is further  
18 amended to read:

19           **§902. Verification and certification**

20           The verification and certification of the petition as required by the Constitution of  
21 Maine, Article IV, Part Third, Section 20, must be worded so that a single verification or  
22 certification may cover one or more pages fastened together as a single petition.

23           The petitions must be signed, ~~verified and certified~~ in the same manner as are  
24 nonparty nomination petitions under section 354, subsections 3 and 4 ~~and subsection 7,~~  
25 ~~paragraphs A and C.~~ The circulator of a petition must sign the petition and verify ~~the~~  
26 ~~petition~~ by oath or affirmation ~~as described in section 354, subsection 7, paragraph A~~  
27 prior to submitting the petition to the registrar before a notary public or other person  
28 authorized by law to administer oaths or affirmations that the circulator personally  
29 witnessed all of the signatures to the petition and that to the best of the circulator's  
30 knowledge and belief each signature is the signature of the person whose name it purports  
31 to be and that each signature authorized under section 153-A was made by the authorized  
32 signer in the presence and at the direction of the voter. After administering the oath to the  
33 circulator, the notary public or other authorized person must sign the notarial certificate  
34 on the petition while in the presence of the circulator. After the petition is signed and  
35 verified in this manner, it may be submitted to the municipal registrar for certification in  
36 accordance with the Constitution of Maine, Article IV, Part Third, Section 20. If the  
37 petitions submitted to the registrar are not signed and verified in accordance with this  
38 paragraph, the registrar may not certify the petitions and is required only to return the  
39 petitions. The clerk or registrar shall keep a log of petitions submitted to the municipal  
40 office for verification. The log must contain the title of the petition, the name of the  
41 person submitting the petition, the date of submission, the number of petition forms  
42 submitted and the date and manner by which the petitions were returned. The notary  
43 public or other authorized person who administered the oath to the circulator must keep a

1 log of petitions for which that person administered the circulator's oath, listing the title of  
2 the petition, the name of the circulator taking the oath, the date of the oath and the  
3 number of petition forms signed and verified by the circulator that day.

4 **Sec. 15. 30-A MRSA §757, sub-§2, ¶A**, as repealed and replaced by PL 2013, c.  
5 481, §2, is amended to read:

6 A. District 1 consists of Isle au Haut, Matinicus Isle Plantation, North Haven, St.  
7 George ~~and~~, Friendship and the unorganized territory of Criehaven and elects one  
8 member. The initial term for District 1 expires on December 31, 2016.

9 **Sec. 16. 30-A MRSA §2528, sub-§4, ¶C**, as amended by PL 1993, c. 608, §6, is  
10 further amended to read:

11 C. Completed nomination papers or certificates of political caucus nomination must  
12 be filed with the clerk during business hours by the ~~45th~~ 70th day prior to election  
13 day. They must be accompanied by the written consent of the person proposed as a  
14 candidate agreeing:

- 15 (1) To accept the nomination if nominated;
- 16 (2) Not to withdraw; and
- 17 (3) If elected at the municipal election, to qualify as such municipal officer.

18 When these papers and certificates are filed, the clerk shall make them available to  
19 public inspection under proper protective regulations. The clerk shall keep them in  
20 the office for 6 months.

## 21 SUMMARY

22 This bill makes the following changes to the election laws.

23 1. It prohibits a voter from filing an application to change or withdraw party  
24 enrollment on the day of a primary election.

25 2. It clarifies that a municipality may not charge a rental fee or janitorial service fee  
26 to a municipal party committee for an available public building provided for the biennial  
27 municipal caucus.

28 3. It repeals the provision allowing a party to designate who can participate in the  
29 party's primary other than party members.

30 4. It removes the requirement for the state ballots to include a write-in space after the  
31 list of candidates for an office, unless there is a write-in candidate who has filed a  
32 declaration for that office.

33 5. It adds a requirement for a notary public or other person authorized to administer  
34 oaths to keep a log for the purpose of recording information about the direct initiative or  
35 people's veto petitions on which the notary public has administered the circulator's oath  
36 and clarifies that the notary public must sign the circulator's oath immediately after the  
37 circulator has signed the petition in the notary's presence.

- 1           6. It corrects an omission in the districts for the Knox County budget committee.
- 2           7. It clarifies the types of licensed facilities at which municipal clerks are required to
- 3           conduct absentee voting for the residents prior to an election.
- 4           8. It moves the filing deadline for municipal nomination petitions from the 45th day
- 5           to the 70th day prior to the election.