§22. Records and documents are public; exception for ballots and voter address

1. Public records. All lists, books, documents and records required to be prepared by or filed with a public official are public records, except as otherwise provided in this Title. Public records are open to public inspection during regular business hours under proper protective regulations made by the official charged with their custody.
[PL 2005, c. 453, §5 (AMD).]

2. Ballots. Official ballots, whether in paper form or in an electronic or image format, are not public records and may be inspected only in accordance with this Title. For purposes of this subsection, "official ballot" means a ballot used by a voter to cast a vote at an election. "Official ballot" includes an absentee ballot and a ballot cast on election day at a voting place.
[PL 2019, c. 371, §1 (AMD).]

3. Confidential information. Notwithstanding subsection 1 and Title 1, section 408-A, if a registered voter meets certain conditions, the voter's information must be kept confidential as provided in this subsection.

A. For a voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B, all records maintained by the registrar pertaining to that voter must be kept confidential and must be excluded from public inspection. [PL 2005, c. 568, §2 (NEW).]

B. For a voter who submits to the registrar a signed statement that the voter has a good reason to believe that the physical safety of the voter or a member of the voter's immediate family residing with the voter would be jeopardized if the voter's residence address were open to public inspection, that voter's residence address and mailing address, if the mailing address is the same as or discloses the voter's residence address, must be kept confidential and must be excluded from public inspection. The remainder of the information in that voter's record that is designated as public information in section 196-A remains a public record and may be made available to the public according to the use and distribution requirements provided in that section. The voter's signed statement is also a public record. A voter's address that is excluded from public inspection under this paragraph may be made available free of charge to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. [PL 2009, c. 564, §1 (AMD).]
[PL 2011, c. 662, §11 (AMD).]

4. Disclosure of address.
[PL 2005, c. 364, §3 (RP).]

5. Signature and identification number of registered voter. Notwithstanding subsection 1 and Title 1, section 408-A, the voter's signature and identification number on the voter registration application and associated records in electronic format are designated as nonpublic records and the registrar shall exclude those items from public inspection. Voter signatures on voter registration applications and associated records in a printed hard-copy format are public records in accordance with subsection 1 and Title 1, section 408-A.
[PL 2011, c. 662, §12 (AMD).]

6. Disclosure of voter's signature and identification number electronically. A voter's signature and identification number in electronic format that are excluded from public inspection pursuant to subsection 5 and associated records may be made available for inspection only to the voter of record, to municipal and state election officials, to a law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

[PL 2003, c. 584, §1 (NEW).]

7. Incoming voting list. After the incoming voting list is unsealed following the election, the list must be made available for public inspection and copying in accordance with Title 1, section 408-A. [PL 2011, c. 662, §13 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1997, c. 248, §1 (RPR). PL 2003, c. 584, §1 (AMD). PL 2005, c. 364, §§2,3 (AMD). PL 2005, c. 453, §5 (AMD). PL 2005, c. 568, §2 (AMD). PL 2009, c. 564, §1 (AMD). PL 2011, c. 342, §5 (AMD). PL 2011, c. 662, §§11-13 (AMD). PL 2019, c. 371, §1 (AMD).

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