# Public Law

## 123rd Legislature

## Second Regular Session

### Chapter 515

### H.P. 1496 - L.D. 2110

## An Act To Amend the Election Laws

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

**Sec. 1. 5 MRSA §152,** as enacted by PL 1979, c. 534, §2, is amended to read:

### § 152. Ratification of bond issue; signed statement

In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of State shall prepare a signed statement to accompany any question submitted to the electors for ratification of a bond issue setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors should be ratified. The Treasurer of State shall also set forth in that statement an estimate of costs involved, including explanation of, based on such factors as interest rates ~~which~~that may vary, the interest cost contemplated to be paid on the amount to be issued, the total cost of principal and interest that will be paid at maturity and any other substantive explanatory information relating to the debt of the State as ~~he may deem~~the Treasurer of State considers appropriate. To meet the requirement that the signed statement of the Treasurer of State accompany any ballot question for ratification of a bond issue, the statement may be printed on the ballot or it may be printed as a separate document that is posted in each voting booth on election day and, in the case of absentee voting, the statement must be made available to each voter who votes in the presence of the municipal clerk or provided along with the ballot to each absentee voter who does not vote in the presence of the municipal clerk.

**Sec. 2. 21-A MRSA §1, sub-§21,** as amended by PL 2005, c. 568, §1, is further amended to read:

**21. Incoming voting list.** "Incoming voting list" means the printed list of all of the voters in a municipality that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots ~~and,~~ absentee ballots or whether a voter needs to show identification before voting; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address Confidentiality Program participants must be kept under seal and excluded from

public inspection. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the incoming voting list, and the words "address is confidential" must be printed on the list instead.

**Sec. 3. 21-A MRSA §122, sub-§5,** as amended by PL 2005, c. 453, §17, is further amended to read:

**5. Alternative registration schedule for absentee voters.** If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk by the close of the polls on election day in order for the ballot to be counted and may not be sealed with the voted absentee ballot. If the application is received during the closed period and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot. An application by telephone under section 753-A, subsection 4 or an application by e-mail under section 753-A, subsection 6 does not establish a presumption of qualification under this section and the requestor must submit a properly completed voter registration application before the clerk may issue an absentee ballot.

**Sec. 4. 21-A MRSA §362-A,** as enacted by PL 2001, c. 310, §20, is amended to read:

## § 362-A. Secretary of State declares vacancy

When required by this subchapter, the Secretary of State shall declare a vacancy under section 361 and notify the appropriate political committee of the deadline for filling the vacancy.

**Sec. 5. 21-A MRSA §624,** as amended by PL 2005, c. 453, §51, is further amended to read:

## § 624. Incoming voting lists; voter lists

**1. Posting of.** The registrar shall post a certified copy of the incoming votinga current voter list for each voting district at the usual voting place in that district before the polls are opened on election day. The voter list produced for purposes of this subsection must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the voter list produced for purposes of this subsection relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the voter list, and the words "address is confidential" must be printed on the list instead. The Secretary of State shall designate the form of the voter list produced for purposes of this subsection.

**2. Delivery of.** The registrar shall deliver the necessary number of certified copies of the posted voter list described in subsection 1 and the incoming voting list to the clerk by 5 p.m. on the last business day before election day. The clerk shall give the registrar a receipt for the copies.

**Sec. 6. 21-A MRSA §698, sub-§3,** as amended by PL 2005, c. 453, §56, is further amended to read:

**3. Incoming voting lists packed separately.** The warden and one election clerk from each of the major parties shall sign the incoming voting list certification as soon as the names of all persons who have voted, including persons who have voted by absentee ballot, have been checked off. The election clerks shall place the incoming voting list in a separate package outside the containers of used and unused ballots and seal the package with the signed incoming voting list certification. The incoming voting list includes any certificates entitling voters to be placed on the incoming voting list and any supplemental incoming voting list, where applicable, pursuant to section 122, subsection 7. The municipal clerk shall keep these incoming voting lists sealed for ~~10~~5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. ~~After that time period, the clerk~~At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the incoming voting list and keep it in the clerk's office as a public record for the time required pursuant to section 23.

**Sec. 7. 21-A MRSA §737-A, first ¶,** as amended by PL 1999, c. 426, §27, is further amended to read:

For the purposes of this section, a candidate may also be a write-in candidate who has met the qualifications of section 722-A. ~~If, after an initial tally of the ballots, the margin between the number of votes cast for the leading candidate and the number of votes cast for the 2nd-place candidate is less than 1% of the total number of votes cast in that race, a recount is presumed necessary.~~

**Sec. 8. 21-A MRSA §737-A, 2nd ¶,** as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

Once a recount ~~is triggered by this presumption, or a recount~~ is requested, the Secretary of State shall notify the State Police, who shall take physical control of all ballots and related materials involved in the recount as soon as possible.

**Sec. 9. 21-A MRSA §737-A, 4th ¶,** as amended by PL 1999, c. 426, §28, is further amended to read:

A ~~losing~~ candidate ~~in any election~~who is the apparent loser and who desires a recount must file with the Secretary of State a written request for a recount within 5 business days after the election. The recount is held under the supervision of the Secretary of State, who shall allow the candidate's representatives or counsel to recount the ballots. The candidate may not act as a counter of ballots.

**Sec. 10. 21-A MRSA §753-A, sub-§6** is enacted to read:

**6. Application by e-mail.** A municipal clerk may opt to accept absentee ballot applications by e-mail. If the clerk opts to accept absentee ballot applications by e-mail the clerk shall create a specific e-mail account for the purpose of accepting e-mail applications. At least 120 days before any election administered by the State, the clerk shall notify the Secretary of State of the clerk's intention to accept absentee ballot applications by e-mail and of the e-mail address used to accept the absentee ballot applications. The Secretary of State shall post on its publicly accessible website a list of municipalities that have opted to accept absentee ballot applications by e-mail along with the e-mail addresses and procedures for requesting an absentee ballot by e-mail. The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by e-mail.

If the clerk opts to accept absentee ballot applications by e-mail, a voter may make an application for the voter's own ballot by e-mail using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and birth date with the information in the voter's record. The clerk shall print the e-mail application and write "e-mail request" on the application.

**Sec. 11. 21-A MRSA §753-B, sub-§6, ¶E,** as enacted by PL 2005, c. 364, §7, is amended to read:

E.  Within 105 business days after each election, the clerk shall update the central voter registration system to include the changes required by paragraph A. The clerk also must update the central voter registration system to reflect any absentee ballots received after the polls have closed on election day by changing the rejection reason. When all updates have been made in the central voter registration system, the clerk shall certify this to the Secretary of State and make a final list of absentee ballots available for public inspection.

Effective June 30, 2008