

§905. Review of initiative and referendum petitions

1. Secretary of State. The Secretary of State shall review all petitions filed in the Department of the Secretary of State for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under the Constitution of Maine, Article IV, Part Third, Section 18.

The Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 business days from the date of filing of a written petition in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18, except as provided in paragraph A.

A. In an even-numbered general election year, if a written petition is filed in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18 within the 30 calendar days preceding the general election or within the 30 calendar days following the general election, the Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 business days after the 30th calendar day following the general election. [PL 2023, c. 342, §1 (NEW).]

The Secretary of State may invalidate a petition if the Secretary of State is unable to verify the notarization of that petition.

[PL 2023, c. 342, §1 (AMD).]

2. Superior Court. Any voter named in the application under section 901, or any person who has validly signed the petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. In reviewing the decision of the Secretary of State, the court shall determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to that voter's wishes. Except as provided in subsection 4, this action must be commenced within 10 days of the date of the decision of the Secretary of State. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall advance the action on the docket and give it priority over other cases when the court determines the interests of justice so require. The court shall issue its written decision containing its findings of fact and stating the reasons for its decision before the 40th day after the decision of the Secretary of State.

[PL 2021, c. 570, §8 (AMD).]

3. Supreme Judicial Court. Any aggrieved party may appeal the decision of the Superior Court, on questions of law, by filing a notice of appeal within 3 days of that decision. The appellant must file the required number of copies of the record with the clerk within 3 days after filing notice of appeal. After a notice of appeal is filed, the parties have 10 days to file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The standard of review must be the same as for the Superior Court. Except as provided in subsection 4, the court shall issue its decision within 30 days of the date of the decision of the Superior Court.

[PL 2021, c. 570, §9 (AMD).]

4. Expedited proceedings. If the Secretary of State's written decision on the validity of a petition under subsection 1 is issued within 120 days of the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot, the following modifications to the procedures established in subsections 2 and 3 apply:

A. An appeal under subsection 2 must be commenced within 5 days of the date on which the Secretary of State's written decision was issued under subsection 1, unless the Secretary of State fails to provide notice of the 5-day deadline in the written decision; [PL 2021, c. 570, §10 (NEW).]

B. The Superior Court shall conduct the appeal in accordance with subsection 2, except that the court shall issue its written decision containing its findings of fact and stating the reasons for its decision no later than 60 days prior to the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot. In establishing the timeline for the proceedings and in issuing its written decision, the Superior Court shall give due regard to the deadline for completion of a further appeal under paragraph C; and [PL 2021, c. 570, §10 (NEW).]

C. If an aggrieved party files an appeal with the Supreme Judicial Court under subsection 3, the court shall issue its decision no later than 50 days prior to the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot. [PL 2021, c. 570, §10 (NEW).]

[PL 2021, c. 570, §10 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 119, §1 (AMD). PL 1993, c. 352, §2 (AMD). PL 2009, c. 611, §5, 6 (AMD). PL 2017, c. 277, §6 (AMD). PL 2021, c. 570, §§8-10 (AMD). PL 2023, c. 342, §1 (AMD).

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